



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, SEPTEMBER 13, 2005

No. 114

House of Representatives

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

PARITY FOR THE POOR

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. We saw those divisions up close in the aftermath of Katrina as the poor and especially the working poor were left behind. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor, again especially the working poor, the people that clean hotel rooms, the people who provide security at businesses, the people in this country who are largely not seen and not much thought about, have become little more than an afterthought. While productivity and profit in America are up, wages are falling and poverty is increasing. The average working American over the last 30 years has seen her or his income go up 10 percent, yet their productivity has increased 80 percent. It used to be in our Nation if productivity went up, then wages have gone up, but there is now a disconnect. In other words, workers who create wealth for their employers, workers who create profits for their employers, are simply not sharing in the wealth and the profits that they have created.

An August U.S. census report revealed that in the United States, the number of uninsured Americans increased. Fewer than 60 percent of employers now offer health insurance. Since 2000, the total number of Americans with employer-sponsored coverage has declined by 3.7 million people. Only because of Medicaid, a program that is a government insurance program, has the number of uninsured not dropped even more precipitously. Yet in the face of growing poverty, in the rising number of uninsured Americans, in the disaster that we saw from Katrina, this administration and the leaders of this Congress are demanding that we cut Medicaid by \$10 billion. They want to cut Medicaid by \$10 billion so they can give greater tax cuts to the wealthiest 1 percent of people in this society. Think of that choice. As the poor were left behind and the working poor were left behind in Katrina, this government, the President and the leaders in this House, want to do more tax cuts for the wealthiest 1 percent and they want to cut Medicaid \$10 billion.

Household incomes fell for the fourth year in a row in 2004. The reality is that every segment of American society has seen their income decline except for the wealthy under this administration. Men working full time have seen their earnings drop below what they earned 6 years ago, even though they are more productive, even though profits are up. Women working full time have also seen their annual incomes decrease. The media love to tell us, most of whom are pretty well paid, and politicians in Washington love to tell the public, hey, the economy is going great. It is for a lot of us, but overall wages have declined and poverty has gone up. Profits may be up for corporations and on a large scale the economy may look good, but to most people in this country the economy is not looking so good. America's men and women working full time are the

reason that productivity is up, are the reason that profits are up, but they are simply not sharing in the wealth that they have created.

The number of people living in poverty in America increased over 1 million people in 2004 alone. Eight million children are uninsured. Thirteen million children live in poverty. The infant mortality rate in Washington D.C. is twice as high as the infant mortality rate in Beijing. How shameful is that? The infant mortality rate in this country went up for the first time since 1958. How shameful is that? A U.N. report on global equality sheds light on the shadows of this administration's policies. Parts of the United States are as poor as the Third World. Our Nation cannot survive as a thriving democracy under policies that rely on trickledown economics. Poverty and social breakdown are core components of the global security threat. We cannot really be secure in this country until our people are secure. It is not just about a military. It is also about economic security for the people that clean our hotel rooms, that serve us food, that provide our security, that work at minimum wage jobs.

Economic growth alone is not enough to reduce poverty, as long as we deny our most vulnerable citizens access to health care, access to education, and an opportunity to share in the wealth that they create. These issues represent a divide in government priorities and values that extend far beyond the halls of Congress. These issues represent a moral obligation in a fight for the dignity of every American.

RECESS

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 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.



Printed on recycled paper.

H7821

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 2 p.m.

PRAYER

The Reverend Thomas Peoples, Pastor, First Baptist Church, Wisner, Louisiana, offered the following prayer:

Our Father, we thank You for our Nation and for each of the men and women elected to serve our Nation in the House. We ask that You bless their families and staff. Father, give them wisdom and strength. Wisdom to do what is best for our Nation and not just what is good; strength to then stand firm for what is best.

Father, we thank You for our President and ask that You also bless him with wisdom and strength. Continue to be with those who serve in our military and keep them and their families safe.

Now, Father, we ask that You be with each person affected by the hurricane. May those who have lost family and friends know You are there to give them comfort and peace. Be with those who have lost their houses, their jobs, and that place which they called home. We thank You for those giving help and assistance. Please keep them safe and strong.

Lord, to overcome something of this magnitude seems impossible; but we are thankful that with You nothing is impossible. We give You the glory and praise You in the name of Jesus. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS 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.

WELCOMING AND HONORING
REVEREND THOMAS PEOPLES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Madam Speaker, today I rise to honor a true community pillar and a servant, Reverend Thomas Peoples. Reverend Peoples currently serves as pastor of the Wisner First Baptist Church in Louisiana where he

has ministered to his congregation, town, and surrounding communities for over a decade.

Some of the words used to describe Reverend Peoples by the members of his church include "caring," "compassionate," "diligent," and "a man of God."

One member of his church said he mirrors the scriptures found in Mark, the 10th chapter, 45th verse, which says: "For the Son of Man did not come to be served, but to serve, that He might give His life as a ransom for many."

Reverend Peoples is also a devoted husband, as well as a father of three children. Like so many ministers, his wife and children shoulder the same burdens for the Wisner community.

Madam Speaker, it is truly an honor to recognize Reverend Peoples and his family who are visiting Washington this week.

LOVE THY NEIGHBOR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, nearly a quarter of a million folks from Louisiana are now in Texas due to the devastating impact of Hurricane Katrina. Taking care of these people is a daunting task, but the good people of southeast Texas have risen to the challenge. Today, I would especially like to acknowledge the hard work being done by our faith community.

They include the Spring Tabernacle in Spring, Texas; the First Baptist Churches of South Houston, Katy, and Houston, Texas; the Bayshore Baptist Church in LaPorte; the New Life Church in LaPorte; the Second Baptist Churches of Baytown and Houston, Texas; Holy Family Catholic Church in Baytown; the Calvary Baptist Church in Beaumont; and the Memorial Church of Christ in Houston.

There are many other churches in Harris, Liberty, and Jefferson Counties who have set up shelters that house evacuees numbering into the thousands. Dozens of other churches have started donation sites and food banks that have been so effective that the Houston Area Salvation Army has stated they have plenty of items for these evacuees.

Madam Speaker, while the work of these churches is extraordinary, they do not seem to think so. To them, they are doing exactly what they should be doing. They are just following the good biblical principle of taking care of and loving their neighbor.

CONSTITUTION DAY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to recognize that this upcoming Saturday is Constitution Day. This annual observance of our Nation's found-

ing charter was made official by President George W. Bush on December 8, 2004. However, Constitution Day has been celebrated for the past 8 years with the recitation of the Preamble by students, military servicemen and -women abroad, and others across the country. This is a special occasion, as it will mark the first simultaneous recitation of the Preamble.

In reciting the Preamble, we join as a Nation to celebrate not only a document but a way of life, and to acknowledge freedoms given by God that no State or power can take away. Our Nation's Founders knew well the need for a government that would not impose burdens upon the people, but would enable them to secure the blessing of liberty.

On this Constitution Day, I remind the Congress of our duty to preserve a strict interpretation of this document. The Framers of the Constitution knew what they were doing. They knew the dangers of a State that grows out of control and imposes its will on the citizenry. We owe it to our constituents to maintain an independent judiciary that is coequal with the other two branches of government, a judiciary that seeks to interpret the law, not write it.

As we observe Constitution Day, let us honor the Constitution's Framers and embrace their foresight and wisdom by teaching this monument to liberty.

SOUTH CAROLINA CARES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, some 1,500 evacuees from the Gulf Coast, and particularly in New Orleans, are calling Columbia, South Carolina, home through the help of a unique grass-roots effort called South Carolina Cares, which combines private, public, and faith-based organizations.

I want to extend my thanks to my fellow Congressman, the gentleman from South Carolina (Mr. CLYBURN), Columbia Mayor Bob Coble, and University of South Carolina president Andrew Sorensen who worked with the American Red Cross and initiated the effort that now involves thousands of people.

At South Carolina Cares, the only rule is the Golden Rule, and fellow citizens are treated as we would like to be treated if we were in this unthinkable situation. As Sam Tenenbaum, chairman of South Carolina Cares said, "Put yourself in their shoes."

South Carolina Cares is a model for the Nation, demonstrating how people, companies, and organizations and government at all levels are coming together to help their fellow Americans. They will continue to respond to this crisis with action, compassion, and leadership.

In conclusion, God bless our troops and we will never forget September 11.

PRAISING THE EFFORTS OF TEXAS DOCTORS AND NURSES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, over the past couple of weeks, we have certainly seen our share of bad news.

One little bit of good news, though, has come out of the State of Texas. Texans, always known for their friendliness, have opened their arms and their hearts to their neighbors to the east.

Madam Speaker, this hurricane was unlike any of us have ever seen before and I pray that none of us will ever see again: 90,000 square miles of devastation along the Gulf Coast, over 1 million people displaced from their homes. Now, a quarter of that population, 250,000, are in the State of Texas.

Madam Speaker, I am proud of Texas, and I am especially proud of Texas doctors and Texas medicine. Spending time in the shelters in my district last week, I was so impressed with the doctors and the nurses who are volunteering, giving of themselves, to attend to those who are less fortunate. Texas doctors and nurses indeed stepped up to the challenge, whether it was the residents of John Peter Smith Hospital, the faculty at the University of North Texas at Fort Worth, or in the city of Dallas, itself, where they received 17,000 individuals in the space of one Saturday afternoon.

Many of these were people who suffered from chronic illnesses such as diabetes and hypertension, who had been off their meds for several days; but of that 17,000, only 200 required hospitalization, truly a remarkable feat.

HURRICANE KATRINA MENTAL HEALTH RELIEF ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as a former psychiatric nurse, I rise to express concern for the mental health needs of the victims of Hurricane Katrina. The State of Texas reported last week that 9.2 percent of the Katrina evacuees in Texas need mental health assistance. Approximately 5 percent have serious mental illness. At least 11 percent of the children suffer from post-traumatic stress disorder.

Last week, I introduced H.R. 3708, the Hurricane Katrina Mental Health Relief Act. This bill would dedicate 10 percent of the disaster relief funds for mental health services to victims and first responders. It is supported by the National Mental Health Association, the National Alliance of Mental Health, American Psychological Association, American Public Health Association, American Psychiatric Nurses Association, American Association of Social Workers, the National Council

for Community Behavioral Health Care, and the Mental Health Care Association of Dallas.

I invite my colleagues to join me in supporting this legislation.

KUDOS FOR MEDICAL LEADER DR. NEIL WARD

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor Dr. Neil Ward on the occasion of his upcoming retirement from the American Academy of Otolaryngology, Head and Neck Surgery.

Dr. Ward has been a caring and passionate practitioner of medicine for over 30 years, holding every leadership position in the 12,000 member international organization which specializes in treating patients with problems of the ears, nose, and throat.

After receiving his undergraduate degree from the University of Arizona, Tucson, in 1956, Dr. Ward served as a pilot in the U.S. Air Force; and following discharge in 1959, he decided to devote his life to helping and healing others. He came to Washington, D.C. to attend the George Washington School of Medicine with the goal of becoming a physician and making a difference in people's lives.

Not only has Dr. Ward made a lasting mark on his community as a doctor; he has also inspired a new generation of physicians as a lecturer and teacher and has advanced science and medicine through his published papers. It is my privilege to salute a fellow physician and respected colleague and join in congratulating him on his retirement.

CHILD PORNOGRAPHY PREVENTION ACT OF 2005

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, tomorrow the House will consider a very important bill to safeguard the children of this Nation from sexual predators and sexual violence: the Children's Safety Act of 2005.

Yesterday, I introduced the Child Pornography Prevention Act of 2005, with its intention to protect children from pornographers who seek to exploit both their youth and vulnerability.

The purpose of my legislation, the Child Pornography Prevention Act, is to ensure that children are not exploited in the production and distribution of pornography. Additionally, the bill provides increased protection to the victims of child pornography and strengthens the hand of law enforcement in investigating and bringing charges of obscenity in child pornography cases.

We specifically in my bill close a loophole that exists in Federal law

today that allows pornographers who produce child pornography at home with digital cameras, Polaroid cameras, or video cameras downloaded on their home computers to actually escape prosecution. The Pence legislation makes clear that these activities are within the purview of Federal law enforcement so that prosecutions of these so-called home child pornographers may move forward in district courts.

It is time to protect the kids. It is time to move the Children's Safety Act, and it is time to pass the Child Pornography Prevention Act as part of it tomorrow.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The Clerk read as follows:

H.R. 3649

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 "Sportfishing and Recreational Boating Safety Amendments Act of 2005".

TITLE I—CORRECTIONS TO THE SPORTFISHING AND RECREATIONAL BOATING SAFETY ACT OF 2005

SEC. 101. EFFECTIVE DATE OF AMENDMENTS.

(a) IN GENERAL.—The Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended—

- (1) by striking section 10112(b)(2); and
- (2) by inserting after section 10101 the following:

"SEC. 10102. EFFECTIVE DATE.

"The amendments made by this subtitle shall take effect October 1, 2005."

(b) TEMPORARY PRESERVATION OF EXISTING LAW.—Except as provided by the amendments made by title II of this Act, during the period beginning on the date of the enactment of the Sportfishing and Recreational Boating Safety Act of 2005, and ending upon the expiration of fiscal year 2005, the provisions of law amended by the Sportfishing and Recreational Boating Safety Act of 2005 (as amended by this Act) shall be considered to read as such laws read immediately before the enactment of that Act.

SEC. 102. RECREATIONAL BOATING SAFETY FUNDS.

Section 10143 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended—

(1) in paragraph (1) by striking “under section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005” and inserting “under section 15 of the Dingell-Johnson Sport Fish Restoration Act”;

(2) in paragraph (2) by striking “subsection (a)(2) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2))” and inserting “subsections (a)(2) and (f) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2) and (f))”;

(3) in paragraph (4)—

(A) in subparagraph (B) by inserting a closed parenthesis after “(16 U.S.C. 777c(a)(2))”; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

“(C) by striking ‘\$5,000,000’ and inserting ‘\$5,500,000’; and

“(D) by inserting ‘not less than’ before ‘\$2,000,000’; and”;

(4) in paragraph (5) by striking “unexpected” and inserting “unexpended”.

SEC. 103. EXPENDITURE OF REMAINING BALANCE IN BOAT SAFETY ACCOUNT.

Section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended in the text proposed to be inserted as section 15 of the Dingell-Johnson Sport Fish Restoration Act—

(1) in paragraph (2)(A)(v) of such text by striking “of this Act” and inserting “of that section”;

(2) in paragraphs (1) through (4) of such text by striking “subsection (b) of that section” each place it appears in such text and inserting “subsection (c) of that section”;

(3) in paragraph (5)—

(A) in subparagraph (A) by striking “subsection (b)” and inserting “subsection (a)(2) of that section”; and

(B) in subparagraph (B) by striking “subsection (h)” and inserting “subsection (c) of that section”.

TITLE II—EXTENSION OF RECREATIONAL BOATING FUNDING THROUGH THE END OF FISCAL YEAR 2005**SEC. 201. NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM FUNDING.**

Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(7)) is amended to read as follows:

“(7) \$10,000,000 for fiscal year 2005;”.

SEC. 202. CLEAN VESSEL ACT FUNDING.

Section 4(b)(4) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the section heading by striking “FIRST 303 DAYS OF FISCAL” and inserting “FISCAL”;

(2) by striking “July 30, 2005” and inserting “September 30, 2005”;

(3) by striking “\$68,071,233” and inserting “\$82,000,000”;

(4) in subparagraph (A), by striking “\$8,301,370” and inserting “\$10,000,000”; and

(5) in subparagraph (B), by striking “\$6,641,096” and inserting “\$8,000,000”.

SEC. 203. COAST GUARD EXPENSES.

Section 13106(c)(1) of title 46, United States Code, is amended—

(1) by striking “\$4,150,685” and inserting “\$5,000,000”; and

(2) by striking “\$1,660,274” and inserting “\$2,000,000”.

TITLE III—EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT**SEC. 301. EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT FOR OBLIGATIONS BEFORE OCTOBER 1, 2005.**

(a) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of the Internal Revenue Code of 1986 (relating to expenditures from boat safety account) is amended—

(1) by striking “August 15, 2005” and inserting “October 1, 2005”; and

(2) by striking “Surface Transportation Extension Act of 2005, Part VI” and inserting “Sportfishing and Recreational Boating Safety Amendments Act of 2005”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 3649.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 makes several amendments to current law to ensure that funding is made available for States' recreational boating programs for the remainder of fiscal year 2005.

The bill designates approximately \$14 million in funding from the Aquatic Resources Trust Fund to support recreational boating safety programs for the current fiscal year. The bill also makes funding available for education, outreach and communications programs to promote safe and responsible boating and fishing practices nationwide.

Recreational boating and fishing are some of the Nation's most popular pastimes and in many areas are critical components of our local economies, and that includes my own district in Central Pennsylvania, which is home to Raystown Lake, which is a key element to the economy of Huntingdon County, Pennsylvania.

The Coast Guard and the Coast Guard Auxiliary have taken the lead Federal role in promoting boating safety in conjunction with State and local authorities. As a result, recreational boating fatalities have declined by more than half over the past 30 years.

The Federal and State recreational boating programs that are supported by the funding in this bill help educate the public on the proper use of boating, safety equipment and on the respon-

sible use of our Nation's sportfishing resources.

Lastly, the bill also makes several technical and clarifying corrections to the Sportfishing and Recreational Boating Safety Act of 2005. This Act created a simpler and more equitable formula for Federal sportfishing restoration and recreational boating safety funding.

I thank my colleagues for their support on this important legislation and for their work to improve access and safety on our Nation's waterways. I would like to thank the sponsor of the legislation, the Chairman of the full Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from New Jersey (Mr. LOBIONDO), for his hard work on this legislation, and the House leadership for bringing this bill to the floor in an expedited manner.

I would also like to thank the gentleman from California (Chairman THOMAS) and the gentleman from California (Chairman POMBO) for clearing the provisions in their jurisdiction of their committees so quickly. I am sure that recreational fishermen and boaters in California appreciate their efforts.

I urge my colleagues to join me in supporting this important legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to voice my support for H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005, and to thank all concerned for clearing this matter up.

Madam Speaker, the purpose of this bill is, of course, very simple, as you have heard. When Congress passed H.R. 3, SAFETEA-LU, in July, there was a small disconnect between that bill and the short-term highway funding extension that was passed separately.

The short-term extension extended the highway program and the funding of the recreational boat safety program until August 15th. However, SAFETEA-LU provided for long-term reauthorization and funding of the recreational boating safety program beginning October 1, the new fiscal year. As a result, the gas taxes that are collected between August 15 and October 1 from recreational boaters cannot be given to the State boating law administrators to fund their recreational boating programs.

H.R. 3649 corrects this problem by extending the old Recreational Boat Safety and Sportfish Programs until October 1, 2005, when the new funding formulas take effect.

Madam Speaker, the Recreational Boat Safety and Grant Program provides a 50/50 matching fund to the States for their recreational boating

safety and educational programs. These programs save lives. It is our responsibility to see to it that there is no interruption of this program, and we are fulfilling this responsibility today.

Madam Speaker, I urge my colleagues to pass H.R. 3649 to ensure that our States receive the necessary matching funds for their recreational boating safety programs between August 15, 2005, and October 1, 2005.

Madam Speaker, I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include for the RECORD an exchange of letters between the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Chairman THOMAS) regarding H.R. 3649.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 6, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing concerning H.R. 3649, the "Sportfishing and Recreational Boating Safety Amendments Act of 2005," which is scheduled for floor consideration under suspension of the rules on Wednesday, September 7, 2005.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title III of this bill amends the Internal Revenue Code by making technical and conforming corrections, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3649, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 6, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Longworth Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 6, 2005 regarding H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005. Your assistance in expediting House consideration of the bill is very much appreciated.

I agree that there are certain provisions in the bill that are of jurisdictional interest to the Committee on Ways and Means and I agree that by foregoing action on the bill, the Committee on Ways and Means is not waiving its jurisdiction. Be assured that I will support your request to be represented in a conference on those provisions in the jurisdiction of the Ways and Means Committee in this bill or similar legislation.

As you have requested, I will include this exchange of letters in the Record when the bill is on the Floor. Thank you for your cooperation and your continued leadership and

support in sportfishing and boating safety matters.

Sincerely,

DON YOUNG,
Chairman.

Mr. SHUSTER. Madam Speaker, I urge my colleagues to join me in supporting this important legislation, H.R. 3649, the Sportfishing and Recreational Boating Safety Act of 2005.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3649.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 26) honoring and memorializing the passengers and crew of United Airlines Flight 93.

The Clerk read as follows:

S. CON. RES. 26

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as "the 9-11 Commission") to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that "the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction."; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 26.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

On Sunday, we remembered one of the most tragic days in our Nation's history, a day in which we lost 3,000 of our relatives, neighbors, friends and countrymen. These people were lost because of the actions of 19 terrorists who sought to inflict pain on our country and bring us to our knees. They did not.

Four of these terrorist found out firsthand that America and Americans are not to be taken lightly and that we are people of action.

Though the story of Flight 93 is well known by all, it is a story that bears repeating.

On that fateful day, the 40 passengers and crew of a hijacked airplane, made aware through phone calls of the fate of the three other hijacked airplanes, took action to protect lives on the ground.

They acted in a way that I am confident the passengers and crew of the three other planes hijacked that day would surely have acted had they been aware of what was happening. The passengers and crew of Flight 93 acted in a way that should make us all proud. They knew the risks they were facing, yet acted anyway.

It is a significant feat what these 40 patriots did, equal to the shot heard around the world in Lexington and Concord or the Alamo in Texas. The very place that Flight 93 went down, I

believe, is providence, because it is in proximity to another major event in our history.

It is a reminder to all Americans that freedom is not easy, and the event of which I speak of is the Whiskey Rebellion, which occurred in 1794, just the first year of George Washington's second term, when there was a rebellion in Pennsylvania. George Washington rode to Pennsylvania, to a town just 10 miles south of Shanksville, Pennsylvania, to put down that rebellion and establish or continue to establish our democracy.

It is important for us in America to remember that it was hard 210 years ago to establish democracy, and it is hard today. So we all need to remember that story of Berlin, Pennsylvania, the Whiskey Rebellion, just 10 miles south of Shanksville, where the first counterattack on the war on terrorism occurred in the skies over Somerset, Pennsylvania. And those passengers of Flight 93 are an example for all Americans to live up to today and into the future.

This resolution authorizes the permanent memorial here in the Capitol to the passengers and crew of Flight 93, whose actions certainly saved lives on 9/11. Many, including the 9/11 Commission, believe they may have saved this very building and many of us who work here.

It is my expectation that whatever memorial is established will complement, not compete with the memorial that will be constructed in Shanksville, where Flight 93 eventually crashed.

I look forward to working with our colleagues in the Senate to bring this appropriate recognition of heroism and bravery to this hallowed building. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join other Members in strong support of this resolution and acknowledge the special bond that exists between the passengers from Flight 93 and not only the personnel who work in the Capitol but also the citizens of the District, those who were harmed and who died at the Pentagon and, of course, those who were victims in New York at the Twin Towers.

Although we will never know the final destination for Flight 93, we are all profoundly grateful to those heroic passengers for their collective acts of courage that may have saved the Capitol or the White House from severe damage.

Senate Concurrent Resolution 26 memorializes them and their valiant efforts as well. A site will be selected here in the Capitol. The purpose of the memorial as well as the names of the crew and passengers will, of course, be inscribed on the memorial.

We strongly support the resolution and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 3 minutes to the gentlewomen from Florida (Ms. GINNY BROWN-WAITE.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of this concurrent resolution to honor the brave men and women of Flight 93.

As all Americans learned from the transcripts of the 9/11 Commission, a brave group of individuals took their own futures and potentially the lives of thousands who work in D.C. and charged the cockpit door of Flight 93.

While their heroic deeds thwarted the plans of the 9/11 hijackers to crash the airplane into the Capitol or the White House, it cost them their lives when the plane crashed into that remote Pennsylvania field.

While the resolution that we will pass this afternoon authorizes a memorial to Flight 93 victims here in the United States Capitol, it is the memories of individual victims that drive us and that we will keep in our memories.

I would like to specifically recognize the contribution of one outstanding individual on Flight 93, Mr. Mark Bingham. Described as a charming and outgoing man by all who knew him, Mark used his experience as a rugby player to help break down that cockpit door. His efforts were truly heroic and will not be forgotten.

Just last week I met with Mark's father, Gerald Bingham, who is my constituent from the Fifth Congressional District in Florida.

Gerald and his family have spent the last 4 years fighting and advocating for an appropriate memorial to recognize the sacrifices of their son, Mark, as well as the other men and women who gave their lives that fateful day.

I am very proud to stand on the floor of the U.S. House to let Gerald and his family know that the sacrifices of his son will forever be consecrated in an appropriate manner here in the United States Capitol.

In closing, I certainly would like to thank Senator CONRAD for sponsoring this resolution as well as the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this tribute to the floor today.

Madam Speaker, I urge a "yes" vote on the resolution.

□ 1430

Ms. NORTON. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend, the gentlewoman from the District of Columbia (Ms. NORTON), for yielding me time, and I thank the sponsor of this bill for introducing it.

We all rise today to honor the passengers and the crew of United Airlines Flight 93. They gave their lives so that others might live, and I strongly sup-

port S. Con. Res. 26, which commemorates the courageous actions of these 40 passengers and crew. The passengers thwarted a potentially dangerous attack on a target here in Washington. Without their sacrifice, it is possible that many of us would not be here today. This building in which we stand perhaps would not be here, and almost certainly many innocent civilians would have died.

Eighteen of those brave men and women on board Flight 93 were from New Jersey. One of those brave souls lived in Cranberry, New Jersey. He is one of the people on board we recognize. He has become something of a symbol.

Todd Beamer was a respected businessman who stood out in a national company. He was a man of deep religious faith. He was involved with his family, a loving father who looked forward to the upcoming birth of his third child. He was a caring and devoted husband to his wife, Lisa, whom I would also like to recognize and honor here today. It was his famous phrase, "Let's roll," that helped inspire our Nation to meet his high standard of shared sacrifice and to remind Americans in those dark days following September 11 that America would not just survive but America would thrive.

This body authorized the naming of the United States Post Office in Cranberry after Todd Beamer. And each time I see the Todd Beamer Post Office, I am reminded that individual Americans can and do extraordinary things.

Americans are willing to sacrifice in the name of accomplishing something greater than one person. This country has always depended on this unique character, and it was always my hope that people would use this post office with an understanding of this American characteristic and that they would pause to reflect on the sacrifice of the individual but also on their roles, what they can do in small and large acts of bravery.

Todd Beamer was not alone. With him were other New Jerseyans and Americans who shared his values and commitment to save others. Richard Guadagno was another outstanding passenger of Flight 93. Raised in Trenton, Richard was the manager of the Humboldt Bay National Wildlife Refuge in California, and was on his way back to Eureka, California, after visiting his family in New Jersey and attending his grandmother's 100th birthday party. He too made the sacrifice. I had an opportunity to talk with his parents, and I was struck by how remarkable and compassionate Richard Guadagno was. Today we honor him and all the other passengers and crew members.

Recalling the legacy of the passengers and crew of Flight 93 reminds Americans that we need heroes every day. Lisa and Todd Beamer's children can grow up knowing that their father acted bravely at a time when others

were in need; and he will always be remembered as a hero, along with his fellow passengers.

Madam Speaker, I am proud to support this resolution, and I thank the sponsors for introducing it. As it is said in Jewish tradition, whoever saves a single life is honored as though he saved an entire world.

I honor those on Flight 93 whose brave acts saved the lives of so many Americans.

Mr. SHUSTER. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, on September 11, 2001, the passengers and crew of this flight saved the Capitol from attack. The Members and staff who work in this building owe our very lives to these American heroes.

In September of 2004, I authored the American Heroes Act, co-sponsored by 16 Republicans and Democrats, which called on a commissioning of a statue here in the Capitol for the Flight 93 heroes. In my view, the statue should be located at the entrance of the new \$500 million Capitol Visitor Center to be opened next year.

If placed there, it would be the first thing American school kids and other visitors would see when they enter this temple of democracy. They would see modern American heroes who saved this Capitol, who gave their lives and whose heroism is encompassed in the personal and recent memory of all living Americans.

As a former member of the legislative branch appropriations subcommittee, I worked on many aspects of the visitors center; and as a member now of the full committee where legislative branch issues are considered, I am working with the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) to make sure we find the funds for this statue for these heroes.

Working closely with the gentleman from Ohio (Mr. NEY) of the Committee on House Administration, it is my hope by next September 11 we are on our way to make sure that the first thing visitors see is a reminder of the brave Americans who saved this Capitol 4 years ago.

Ms. NORTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to join today to pass this legislation that will establish a permanent memorial here in the Capitol to honor those 40 American patriots who undoubtedly saved lives on 9/11 by sacrificing their own lives. As we vote today, let us remember the final words of Todd Beamer and that is: "Let's roll."

Mr. HONDA. Madam Speaker, I rise in strong support of Senate Concurrent Resolution 26, which pays tribute to the heroic efforts of the passengers and crew of United Airlines

Flight 93. Their decisive and brave decision to overtake the September 11 terrorists likely saved the lives of countless Congressional Members and staffers, as well as the U.S. Capitol or White House from almost certain destruction.

The San Jose community I represent was especially saddened by the loss of Captain Jason Matthew Dahl, the pilot of Flight 93 and a true American hero. Jason grew up in San Jose, and his parents, who were the proprietors of Dahl's Dairy Delivery, used to deliver milk to Hillsdale Elementary School, where I served as principal.

From his childhood years, Jason had a strong desire to fly. He first manifested his affinity for flight during his years at Sylvandale, where he started building radio-controlled airplanes. He then joined the Civil Air Patrol, and was soon taking flying lessons from Amelia Reid at Reid Hillview Airport. He was a quick study, and was flying solo by the youthful age of 16. During this early period, Jason gave his father a photograph, depicting the two of them standing in front of a Cessna, on which Jason had written: "Maybe someday this will be a 747."

Jason attended my alma mater, San Jose State University, from 1975 to 1980, and graduated with a Bachelor of Science degree in Aeronautical Operations. Jason was soon hired by Ron Nelson Construction as a corporate pilot. A few years later, he applied to the commercial airlines, and he realized his dream when he got the call from United Airlines in June 1985, where he steadily moved up the ranks.

His passionate devotion to this endeavor was only matched during his lifetime by his devotion to his family. Balancing the demands of career and family is a daunting challenge, especially for a pilot, but family was greatly important to Jason. No matter how busy his flight schedule, he always made the time for his wife, Sandy, and his children, Matt and Jennifer.

Captain Dahl was an emblem of the American dream. He was doing what he loved to do when he lost his life along with thousands of others in the horrible assault on our Nation that occurred on September 11. His courage and the courage of the passengers and crew of Flight 93 was reflective of the spirit displayed in abundance by so many Americans that day.

It is fitting that we honor those who gave their lives on Flight 93 through passage of Senate Concurrent Resolution 26, which acknowledges the great debt we owe them and extends condolences to their family and friends. The resolution also establishes a bipartisan, bicameral congressional panel to select an appropriate memorial honoring the passengers and crew of Flight 93. The memorial—to be placed in the Capitol—will be a permanent tribute to the forty selfless individuals who overcame fear and mobilized into action to defend their fellow Americans.

I join my colleagues in their strong support for Senate Concurrent Resolution 26.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 26.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DANDINI RESEARCH PARK CONVEYANCE ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 252) to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada. The Clerk read as follows:

S. 252

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 "Dandini Research Park Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge passage of Senate 252, the Dandini Research Park Conveyance Act, which was introduced in the Senate by Senator HARRY REID and co-sponsored by Senator JOHN ENSIGN.

I was proud to introduce the companion legislation in the House, and I am pleased to be here today to champion passage of this important bill.

This legislation will direct the Secretary of the Interior to convey 467 acres of land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

The land is patented under the Recreation and Public Purposes Act, which now prevents the Board of Regents from expanding a university-sponsored research park that provides for technology transfer, science-based economic development, and partnering among academic, governmental, and industrial sectors in Nevada.

Known as the Dandini Research Park, the land is currently used by leading research and education institutions in Nevada, including the Truckee Meadows Community College and the Desert Research Institute.

The research being done by TMCC and DRI at the Dandini Research Park benefits not only Nevada but communities across the western United States. The science park stands as a great example of a successful public/private partnership that brings the highest quality researchers to this educational facility.

For example, DRI is a world-class nonprofit research campus of the Nevada Higher Education System, and their research is driven by a special emphasis in atmospheric, Earth and ecosystem, and hydrologic sciences.

Additionally, DRI has three state-of-the-art interdisciplinary centers for arid lands, watershed and environmental sustainability, and environmental remediation and monitoring.

DRI's research has helped provide innovative and important advancements in their field and has increased demand for their expertise. The state-of-the-art research being conducted at the Dandini site has resulted in the need to expand these facilities. However, since

the University and Community College System of Nevada does not own the land of the Dandini Research Park, they are unable to obtain financing to expand the science center.

Today's bill allows for the transfer of this land to allow the Board of Regents to develop and expand the Northern Nevada Science Center. Additionally, the bill mandates that net proceeds of any future sale of this property would be returned to the Secretary of the Interior for use by the Bureau of Land Management.

The goal of much of the work being done at the Dandini Research Project is to provide innovative solutions to maintaining the vital balance between environmental protection and the development of our natural resources.

This work helps us to better understand how we can live in harmony with our environment.

Madam Speaker, I urge all of my colleagues to pass this noncontroversial bill that is supported by the entire Nevada delegation and which passed the Senate in July. This bill will allow Nevada's leading education and research institutes to continue to expand upon their great work on behalf of Nevada and this great country, as well as our environment.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, before I speak to S. 252, I would just like to voice my support also for S. Con. Res. 26, honoring and memorializing the passengers and crew of United Airlines Flight 93 that was just before this body.

The legislation which we are discussing now, S. 252, is technical in nature and once approved will allow the University and Community College System in Nevada to expand ongoing research activities at the Dandini facility. This is a noncontroversial measure which passed the Senate by unanimous consent in July.

The distinguished Senate minority leader is to be commended for his tireless efforts on behalf of this legislation and for his commitment to supporting important research in our Nation's academic institutions.

On the House side, the gentlewoman from Nevada (Ms. BERKLEY), a co-sponsor of the House companion legislation, has also taken a leadership role in making certain this legislation is approved. And we also commend the gentleman from Nevada (Mr. GIBBONS) for his work and leadership on this bill.

Mr. PORTER. Madam Speaker would like to voice my strong support for S. 252.

As a cosponsor of the House-introduced version of this bill, H.R. 542, I am well aware of the positive impact the transfer of this land will have on the University and Community College System of Nevada. Located in Reno,

Nevada, this tract of land, known as the Dandini Research Park, is currently restricted under the provisions and authority of the Recreation and Public Purposes Act.

If this bill were to be signed into law, the Board of Regents for the University and Community College System of Nevada would like to turn this land into a University-sponsored research park that would provide science-based economic development, technology transfer, and the furthering of intergovernmental, academic and industrial partnerships in Nevada.

Madam Speaker, thank you for allowing me to speak on this important bill.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 252.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CARIBBEAN NATIONAL FOREST ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 539) to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, as amended.

The Clerk read as follows:

H.R. 539

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 "Caribbean National Forest Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map dated April 13, 2004, and entitled "El Toro Proposed Wilderness Area".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as generally depicted on the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

□ 1445

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 539, the bill under consideration.

The SPEAKER pro tempore (Mrs. CAPITO). Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

H.R. 539 would designate approximately 10,000 acres in the Caribbean National Forest as a component of the National Wilderness Preservation System.

This bipartisan proposal is supported by the people of Puerto Rico, the administration and a number of national organizations. The legislation will ensure that this special land will be available for my children and for all the children of Puerto Rico for generations to come.

The El Toro Wilderness will be one of our Nation's most significant wilderness areas. Located 25 miles east of San Juan, the forest is biologically rich and diverse. The Caribbean National Forest ranks number one among all national

forests in the number of species of native trees with 240. In addition, the Caribbean National Forest has a wide variety of orchids and over 150 species of ferns. There are over 100 species of vertebrates in the forest.

Of particular note is the endangered Puerto Rican parrot. At the time Columbus set sail for the New World, there were approximately one million of these distinctive parrots. Today, there are under 50. This rich diversity will be protected through wilderness designation, and El Toro will be the only tropical rainforest wilderness in our national forest system.

The future of the Caribbean National Forest is of the utmost importance to my constituents. For Puerto Ricans, the Caribbean National Forest is more than a national forest. It is an integral part of our lives. The Spanish Crown proclaimed much of the current Caribbean National Forest as a forest reserve in 1824. President Theodore Roosevelt reasserted the protection of the Caribbean National Forest by designating the area as a forest reserve over 100 years ago. The real history of the Caribbean National Forest, however, predates those recent actions. The prehistoric Taino Indians considered the area a holy place and named it after an Indian spirit, Yuquiye, which means "Forest of Clouds." Today, it is called, "El Yunque."

The importance of El Yunque continues to modern times. The forest is a key component of Puerto Rico's everyday life and economic vitality.

El Yunque and the proposed El Toro wilderness area are a crucial source for the lifeblood of Puerto Rico, fresh water. The forest receives up to 240 inches of rainfall each year, more than 100 billion gallons of it. This water is crucial for our people and our future. It provides clean drinking water to over 800,000 residents and ensures adequate water for our economic viability.

In closing, I would like to thank the gentleman from California (Chairman POMBO) and the gentleman from Oregon (Mr. WALDEN), the gentleman from West Virginia (Ranking Member RAHALL) and the gentleman from Colorado (Mr. UDALL) and the committee staff for their support and fine work on this measure. I urge my colleagues to join with me in supporting the passage of H.R. 539.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the majority has explained, H.R. 539 would designate approximately 10,000 acres of land in the Caribbean National Forest in Puerto Rico as a component of the National Wilderness Preservation System to be named the El Toro Wilderness.

The Caribbean National Forest is the only tropical rainforest in the National Forest System. It is home to one of the most endangered birds in the world, the Puerto Rican parrot.

The El Toro Wilderness would become the first tropical forest in the National Forest Wilderness System, as well as the first wilderness area in Puerto Rico. It is, in a host of respects, a natural treasure and a national treasure that merits a designation befitting its unique status in America.

Madam Speaker, I want to commend the gentleman from Puerto Rico (Mr. FORTUÑO), my colleague and neighbor, for his work in securing the passage of this bill. We support adoption of H.R. 539, and I would add that the gentleman from West Virginia (Ranking Member RAHALL) has personally also advocated the consideration of this measure.

Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the bill, H.R. 539, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System."

A motion to reconsider was laid on the table.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 276) to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The Clerk read as follows:

S. 276

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 "Wind Cave National Park Boundary Revision Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) PARK.—The term "Park" means the Wind Cave National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of South Dakota.

SEC. 3. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 3(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

SEC. 5. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 276, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

S. 276, introduced by Senators TIM JOHNSON and JOHN THUNE of South Dakota, is the companion bill to H.R. 546, introduced by the gentlewoman from South Dakota (Ms. HERSETH), my committee colleague.

S. 276 would authorize the expansion of Wind Cave National Park located in the famous Black Hills of South Dakota. The boundary adjustment would allow for the protection of such archaeological sites as a 1,000-year-old buffalo jump.

I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the gentleman from Puerto Rico (Mr. FORTUÑO) of the majority has explained, S. 276 will further the purposes of Wind Cave National Park by enabling significant lands to be added to the national park.

This bill, S. 276, is the Senate companion measure to the bill H.R. 456 introduced by the gentlewoman from South Dakota (Ms. HERSETH), my colleague on the Committee on Resources. The gentlewoman from South Dakota (Ms. HERSETH) is to be commended for her leadership on this important legislative initiative which will add lands to the park that will protect archaeological sites, enhance the viewshed, and preserve prairie and forest lands that are natural extensions of the existing park.

Since coming to Congress, the gentlewoman from South Dakota (Ms. HERSETH) has been a strong advocate for these additions to the park, and we are pleased to see her work coming to fruition today.

Madam Speaker, S. 276 will help advance the preservation and interpretation of Wind Cave National Park, and we support adoption of the legislation by the House today.

Ms. HERSETH. Madam Speaker, I rise today in support of the Wind Cave National Park Boundary Revision Act of 2005.

Wind Cave National Park is one of our Nation's oldest national parks and one of the jewels in our national park system. Established over 100 years ago, Wind Cave was the first cave in the world to be set aside as a national park. At the turn of the 20th century, its first explorers reported that the cave was only three miles long. Well, that report was a little off. Today, we know that the cave has over 117 miles of mapped tunnels and explorers are still discovering new passages. This makes it the fifth largest cave in the world.

These passages contain many natural treasures—rare and exceptional displays of box work, a honeycomb-shaped formation that protrudes from the cave's ceilings and walls, as well as other rare cave formations, and a geology that scientists are still working to understand. Past Congresses recognized the value of these treasures by creating the park; our ability to enjoy them today is a testament to their foresight.

With over 28,000 acres today, the park's surface is an impressive asset as well. The Wind Cave National Park Boundary Revision act would expand this stewardship to include an additional 5,000 acres of mixed grass prairie, ponderosa pine forest, and a dramatic river canyon. Home to native wildlife such as bison, elk, pronghorn, mule deer, coyotes, and prairie dogs, the park is one of the few remaining mixed-grass ecosystems in the country. The expansion would be a natural extension of this habitat and enhance the park's holdings.

This project began when the ranching family that owns the land approached the National Parks Service over 3 years ago. The Black Hills region of South Dakota is developing rap-

idly and, rather than allow the land to be developed into subdivisions and strip malls, they envisioned preserving it for future generations. That initial discussion expanded to the surrounding community, State government, and eventually, the United States Congress. The bill's passage in the Senate and its consideration here today are the fruits of those discussions.

In addition to receiving support in the House of Representatives from my two predecessors and myself, this bill enjoys the bipartisan backing of the South Dakota Senate delegation and South Dakota Governor Mike Rounds. As the expansion project has proceeded, interested parties have weighed in with their concerns and they have been answered.

Wind Cave National Park has protected and preserved a national treasure for over 100 years. The Wind Cave National Park Boundary Revision Act is a unique opportunity to expand the park and enhance its value to the public so that visitors can enjoy it forever. It is my hope that my colleagues will support the expansion of this park and vote in favor of this important legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 276.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HAWAII WATER RESOURCES ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 264) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

The Clerk read as follows:

S. 264

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 "Hawaii Water Resources Act of 2005".

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108-316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

"SEC. 1638. HAWAII RECLAMATION PROJECTS.

"(a) AUTHORIZATION.—The Secretary may—
"(1) in cooperation with the Board of Water Supply, City and County of Honolulu,

Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

“(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealahou, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

“(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

“(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108-316 (118 Stat. 1202)) and inserting the following:

“Sec. 1637. Williamson County, Texas, Water Recycling and Reuse Project.
“Sec. 1638. Hawaii reclamation projects.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 264, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

S. 264, sponsored by Senator DANIEL AKAKA and supported by our Hawaii colleagues in the House, authorizes the Secretary of the Interior to undertake three water projects in the State of Hawaii.

Although surrounded by water, the Hawaiian islands are not immune to water scarcity issues. In fact, parts of Hawaii have very limited potable water supplies due to natural and population factors.

The projects authorized in this legislation will help Hawaii better manage its scarce water resources. Each project will serve a different purpose through desalting, recycling or other

water supply technologies. The Federal cost-share of these projects will not exceed 25 percent.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

We support the passage of S. 264. The gentleman from Hawaii (Mr. ABERCROMBIE), our colleague on the Committee on Resources, has introduced a companion bill in the House, H.R. 843. We commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his hard work to secure authorizations for these important projects.

The projects identified in this bill will be eligible for limited financial assistance under the Bureau of Reclamation's title 16 water recycling program.

Water recycling and desalination projects are proven technologies that can help stretch limited water supplies in areas such as Hawaii, and the Virgin Islands I might add.

I want to express our full support for this legislation, and I offer congratulations to the gentleman from Hawaii (Mr. ABERCROMBIE) for his leadership and persistence as this legislation proceeds to the White House.

Mr. ABERCROMBIE. Madame Speaker, I rise today to support, S. 264, the Hawaii Water Resources Act of 2005. This legislation will authorize Federal funds for three urgently needed water projects in the State of Hawaii.

Madame Speaker, several years ago our State suffered through 5 years of drought conditions. Due to dangerous drops in our water levels, water usage was restricted to prevent saltwater from entering our pumps. Today, there is no drought and water conservation measures continue to be taught in schools and publicized. However, these three water development projects will make tremendous strides in ensuring a stable water supply for our growing island State and conserve the limited water supplies we do have. Because of the importance of these projects, I introduced the companion measure, H.R. 843, and wholeheartedly support this legislation.

H.R. 843/S. 264 would authorize three projects that would help the State of Hawaii implement long-term management plans for our most limited natural resource, fresh water. The Kalaeloa Desalination Project would be built on Oahu, home to 72 percent of the State's population. It is estimated that water use rates on this island will begin exceeding recharge rates in 2018. This problem is particularly evident on the western side of Oahu which has a secondary urban center, Kapolei, which has experienced a population explosion in recent years. Kapolei is a planned community whose population is expected to increase by 70 percent in the next 20 years. The Board of Water Supply for the City and County of Honolulu has successfully implemented conservation measures and special programs which have lowered water consumption. This project would help meet Kapolei's projected demand, conserve limited groundwater, avoid impacts to the environment from wells drilled in forested watersheds, increase system reliability and minimize saltwater intrusion when

water levels drop in drought conditions—Oahu experienced a 5-year drought from 1998 to 2002. This facility would also be capable of future expansion, an important aspect for this heavily populated island.

The second project is located on the western side of the big island of Hawaii. This area sees very little rainfall and is very similar to the high arid regions of the mainland United States. The Kealahou Wastewater Treatment Project would utilize wetlands to naturally clean the effluent being discharged by the Kealahou Wastewater Treatment Plant. Once the effluent water quality is upgraded and the maximum amount of flow diverted for use on-site in the wetlands, a distribution system would then convey the recycled water to potential users. A conventional tertiary treatment system would be cost prohibitive for a facility of this size. Moreover, the discharge of treated water could lead to the degradation of coastal water quality in an area that is known for its beautiful beaches and is a popular tourist destination. This project is an ecologically friendly alternative that would also provide habitat for two endangered bird species which are currently nesting on land adjacent to the Kealahou International Airport.

The third project that would be authorized is the Lahaina Recycled Water Distribution System Expansion Project located on the island of Maui. Over the last decade, Maui has worked to build a solid foundation for a water recycling program. Currently, it is able to use approximately 25 percent of the recycled water it produces, about 4 million gallons per day. The main impediment to using more recycled water is the lack of infrastructure to distribute the recycled water to the commercial enterprises that could use it. A key example of this problem is in West Maui where recycled water is used to irrigate the Kaahe Golf Courses. The pipeline that leads to the golf courses also passes a number of other commercial enterprises that are interested in using recycled water but the infrastructure is not adequately developed to allow these properties to connect to the system. Authorizing this project for Federal assistance will allow for expansion at a much faster rate and result in a greater savings of potable water.

The State of Hawaii is addressing its problems of limited water and trying to implement solutions. The next time a drought comes, it may be too late to act. This bill will help us protect Hawaii's environment, meet our growing water needs, and maintain our quality of life. I urge my colleagues to support this vitally important measure.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of S. 264, the Hawaii Water Resources Act of 2005. I commend my good friend Senator AKAKA for introducing this bill in the Senate, and my friends and colleagues here in the House of Representatives from the Hawaii delegation, Mr. ABERCROMBIE and Mr. CASE, for their strong support.

Due to the scarcity of water in Hawaii, the state has a strong need for resource management projects such as the ones proposed in this bill. The desalination project in Honolulu County, the wastewater treatment plant project outside Kona, and the recycled water project in Lahaina, will all serve the vital needs of the people of Hawaii in their efforts to provide for their increasing water demands.

Again, I commend Senator AKAKA for his leadership on this important initiative. Enacting

this bill will help Hawaii to manage its water resources more efficiently, particularly in the areas where water is increasingly scarce.

I support this legislation and I urge my colleagues to vote in favor of S. 264.

Mr. CASE. Madam Speaker, I rise today in strong support of prompt passage of S. 264, the Hawaii Water Resources Act of 2005. Congressman ABERCROMBIE and I co-introduced a companion bill in the House, H.R. 843. The bill is identical to one that passed the Senate in the 108th Congress by unanimous consent.

S. 264 amends the Reclamation Water and Groundwater Study and Facilities Act to authorize three important water reclamation projects in my State. The three projects authorized in S. 264 would help Hawaii better manage its water resources, particularly in key areas where water is becoming increasingly scarce.

Two of the projects are in my Second District on the islands of Hawaii and Maui, and the third, which would provide a reliable source of potable water for the island of Oahu, also impacts my district, which includes most of that island except for urban Honolulu. The Honolulu Board of Water Supply has projected that on Oahu freshwater use will exceed recharge rates by 2018.

The project on Oahu would provide a reliable source of water through resource diversification to meet existing and future water demands in the Ewa area of Oahu, where water demands are exceeding the availability of drinking water. The proposed project is a 5 million gallon-per-day seawater desalination facility. Seawater Reverse Osmosis Membrane Technology is proposed, in which approximately 11 million gallons per day of seawater are needed to produce 5 million gallons per day of potable water.

The second project, north of Kona on the island of Hawaii, would address the issue of effluent being discharged into a temporary disposal sump from the Kealahou Wastewater Treatment Plant. The effluent has a particularly high suspended solids content. The proposed project will utilize subsurface wetlands to reduce the suspended solids prior to disinfection. Retrofitting an existing lagoon and completing construction of an additional lagoon would create subsurface wetlands. An open surface wetland would also be constructed to reduce the effluent disposal, create habitat for two endangered species, and provide recreational opportunities for the public. Once the effluent water quality has been upgraded and the maximum amount of flow diverted for use onsite in the constructed wetlands, a distribution system would be needed to convey the recycled water to potential users.

The final project, in Lahaina on the island of Maui, would facilitate the use of recycled water by extending the County of Maui's main recycled water pipeline. The county has been one of the water recycling leaders in the State of Hawaii, but increased use of recycled water is limited by the lack of adequate infrastructure to distribute recycled water to additional users.

Hawaii has been experiencing drought conditions since 1998. And the National Weather Service has indicated that due to a mild El Niño effect in the Pacific Ocean, Hawaii may again experience another period of drought. Although many people have an image of Hawaii as a lush, tropical rainforest, in fact the

leeward sides of all of our islands are typically dry, not unlike the high desert conditions in the western United States. A 2003 GAO report placed Hawaii among 16 States that are expected to face regional freshwater shortages in the next decade.

S. 264 builds on Senator AKAKA's Hawaii Water Resources Act of 2000 (P.L. 106-566) that authorized the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii and identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. That act resulted in the development of the initial Hawaii Drought Plan in 2000, which was updated this past year to incorporate comments and recommendations made by the Bureau of Reclamation. The expertise of the Bureau of Reclamation has been invaluable in helping our State to address these vital resource issues.

I urge my colleagues to support this important bill.

Mrs. CHISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 264.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-219) on the resolution (H. Res. 436) providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Senate Concurrent Resolution 26, by the yeas and nays;

H.R. 3649, by the yeas and nays;

S. 276, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 26.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 26, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 465]

YEAS—403

Abercrombie	Calvert	Doggett
Ackerman	Camp	Doolittle
Aderholt	Cannon	Doyle
Akin	Cantor	Drake
Alexander	Capito	Dreier
Allen	Capps	Duncan
Andrews	Capuano	Edwards
Baca	Cardin	Ehlers
Bachus	Cardoza	Emanuel
Baird	Carnahan	Emerson
Baker	Carson	English (PA)
Baldwin	Carter	Eshoo
Barrett (SC)	Case	Etheridge
Barrow	Castle	Evans
Bartlett (MD)	Chabot	Everett
Barton (TX)	Chandler	Farr
Bass	Chocola	Feeney
Bean	Clay	Ferguson
Becerra	Cleaver	Filner
Berkley	Clyburn	Fitzpatrick (PA)
Berman	Coble	Flake
Berry	Cole (OK)	Foley
Biggart	Conaway	Forbes
Bilirakis	Conyers	Ford
Bishop (GA)	Cooper	Fox
Bishop (NY)	Costa	Frank (MA)
Blackburn	Costello	Franks (AZ)
Blumenauer	Cramer	Frelinghuysen
Blunt	Crenshaw	Garrett (NJ)
Boehlert	Crowley	Gerlach
Boehner	Cubin	Gibbons
Bonilla	Cuellar	Gillmor
Bonner	Culberson	Gingrey
Bono	Cummings	Gohmert
Boozman	Cunningham	Gonzalez
Boren	Davis (AL)	Goode
Boswell	Davis (CA)	Goodlatte
Boucher	Davis (FL)	Gordon
Boustany	Davis (IL)	Granger
Boyd	Davis (KY)	Graves
Bradley (NH)	Davis (TN)	Green (WI)
Brady (PA)	Davis, Jo Ann	Green, Al
Brady (TX)	Davis, Tom	Green, Gene
Brown (OH)	Deal (GA)	Grijalva
Brown (SC)	DeGette	Gutierrez
Brown, Corrine	Delahunt	Gutknecht
Brown-Waite,	DeLauro	Hall
Ginny	DeLay	Harman
Burgess	Dent	Harris
Burton (IN)	Diaz-Balart, L.	Hart
Butterfield	Diaz-Balart, M.	Hastings (FL)
Buyer	Dicks	Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hersteth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott

McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Rexes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Beauprez
Bishop (UT)
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrest

Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Maloney
McHugh
McNulty
Meeks (NY)
Melancon
Moran (VA)
Nadler
Nussle
Owens
Serrano
Strickland
Towns
Velázquez
Walsh
Weiner

□ 1854

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and passing the bill, H.R. 3649.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3649, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 31, as follows:

[Roll No. 466]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps

Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo

Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hersteth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee

Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renz
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryan (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta

NAYS—1

Flake

NOT VOTING—31

Beauprez
Camp
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrest
Hinojosa

Hoekstra
Hoolley
Jindal
Jones (OH)
Kirk
Maloney
McHugh
McNulty
Meeks (NY)
Melancon
Moran (VA)
Nadler
Nussle
Owens
Serrano
Strickland
Towns
Velázquez
Walsh
Weiner

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and passing the Senate bill, S. 276.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 276, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 106, not voting 32, as follows:

[Roll No. 467]

YEAS—295

Abercrombie	Crenshaw	Hobson
Ackerman	Crowley	Holden
Aderholt	Cuellar	Holt
Alexander	Culberson	Honda
Allen	Cummings	Hoyer
Andrews	Cunningham	Hulshof
Baca	Davis (AL)	Hunter
Bachus	Davis (CA)	Hyde
Baird	Davis (FL)	Inslie
Baldwin	Davis (IL)	Israel
Barrow	Davis (KY)	Jackson (IL)
Bass	Davis (TN)	Jackson-Lee
Bean	Davis, Tom	(TX)
Becerra	DeGette	Jefferson
Berkley	Delahunt	Jenkins
Berman	DeLauro	Johnson (CT)
Berry	DeLay	Johnson (IL)
Biggart	Dent	Johnson, E. B.
Bishop (GA)	Diaz-Balart, L.	Kanjorski
Bishop (NY)	Dicks	Kaptur
Blumenauer	Doggett	Keller
Boehlert	Doyle	Kelly
Boehner	Dreier	Kennedy (MN)
Bonilla	Edwards	Kennedy (RI)
Bono	Ehlers	Kildee
Boren	Emanuel	Kilpatrick (MI)
Boswell	Emerson	Kind
Boucher	English (PA)	King (NY)
Boustany	Eshoo	Kirk
Boyd	Etheridge	Knollenberg
Bradley (NH)	Evans	Kolbe
Brady (PA)	Farr	Kucinich
Brady (TX)	Ferguson	Kuhl (NY)
Brown (OH)	Filner	Langevin
Brown (SC)	Fitzpatrick (PA)	Lantos
Brown, Corrine	Foley	Larsen (WA)
Butterfield	Ford	Larson (CT)
Buyer	Frank (MA)	Latham
Calvert	Frelinghuysen	Leach
Cantor	Gerlach	Lee
Capito	Gillmor	Levin
Capps	Gonzalez	Lewis (CA)
Capuano	Goodlatte	Lewis (GA)
Cardin	Gordon	Linder
Cardoza	Granger	Lipinski
Carnahan	Graves	LoBiondo
Carson	Green, Al	Lofgren, Zoe
Case	Green, Gene	Lowe
Castle	Grijalva	Lucas
Chandler	Gutierrez	Lungren, Daniel
Clay	Harman	E.
Cleaver	Harris	Lynch
Clyburn	Hastings (FL)	Manzullo
Cole (OK)	Hastings (WA)	Markey
Conyers	Hayes	Marshall
Cooper	Hefley	Matheson
Costa	Herseth	Matsui
Costello	Higgins	McCarthy
Cramer	Hinchee	McCollum (MN)

McCrery	Price (NC)	Smith (NJ)
McDermott	Pryce (OH)	Smith (TX)
McGovern	Rahall	Smith (WA)
McIntyre	Ramstad	Snyder
McKeon	Rangel	Solis
McKinney	Regula	Souder
Meehan	Reichert	Spratt
Meek (FL)	Renzi	Stark
Menendez	Reyes	Stupak
Michaud	Rogers (AL)	Tanner
Millender-	Rogers (KY)	Tauscher
McDonald	Rogers (MI)	Taylor (MS)
Miller (NC)	Ros-Lehtinen	Thomas
Miller, George	Ross	Thompson (CA)
Mollohan	Rothman	Thompson (MS)
Moore (KS)	Roybal-Allard	Tiberi
Moore (WI)	Ruppersberger	Tierney
Murphy	Rush	Turner
Murtha	Ryan (OH)	Udall (CO)
Napolitano	Sabo	Udall (NM)
Neal (MA)	Salazar	Upton
Northup	Sánchez, Linda	Van Hollen
Nunes	T.	Visclosky
Oberstar	Sanchez, Loretta	Walden (OR)
Obey	Sanders	Wasserman
Oliver	Saxton	Schultz
Ortiz	Schakowsky	Waters
Osborne	Schiff	Watson
Otter	Schwartz (PA)	Watt
Pallone	Schwarz (MI)	Waxman
Pascarell	Scott (GA)	Weldon (PA)
Pastor	Scott (VA)	Weller
Payne	Shaw	Wexler
Pelosi	Shays	Whitfield
Peterson (MN)	Sherman	Wilson (NM)
Pickering	Shimkus	Wolf
Pitts	Shuster	Woolsey
Platts	Simmons	Wu
Pombo	Simpson	Wynn
Pomeroy	Skelton	Young (AK)
Porter	Slaughter	Young (FL)

NAYS—106

Akin	Gingrey	Norwood
Baker	Gohmert	Oxley
Barrett (SC)	Goode	Paul
Bartlett (MD)	Green (WI)	Pearce
Barton (TX)	Gutknecht	Pence
Bilirakis	Hall	Peterson (PA)
Bishop (UT)	Hayworth	Petri
Blackburn	Hensarling	Poe
Blunt	Herger	Price (GA)
Bonner	Hostettler	Putnam
Boozman	Inglis (SC)	Rehberg
Brown-Waite,	Issa	Reynolds
Ginny	Istook	Rohrabacher
Burgess	Johnson, Sam	Royce
Burton (IN)	Jones (NC)	Ryan (WI)
Cannon	King (IA)	Ryun (KS)
Carter	Kingston	Schmidt
Chabot	Kline	Sensenbrenner
Chocola	LaHood	Sessions
Coble	LaTourette	Shadeegg
Conaway	Lewis (KY)	Sherwood
Cubin	Mack	Sodrel
Davis, Jo Ann	Marchant	Stearns
Deal (GA)	McCaul (TX)	Sullivan
Diaz-Balart, M.	McCotter	Sweeney
Doolittle	McHenry	Tancredo
Drake	McMorris	Taylor (NC)
Duncan	Mica	Terry
Everett	Miller (FL)	Thornberry
Feeney	Miller (MI)	Tiahrt
Flake	Miller, Gary	Wamp
Forbes	Moran (KS)	Weldon (FL)
Foxx	Musgrave	Westmoreland
Franks (AZ)	Myrick	Wicker
Garrett (NJ)	Neugebauer	Wilson (SC)
Gibbons	Ney	

NOT VOTING—32

Beauprez	Hinojosa	Nadler
Camp	Hoekstra	Nussle
DeFazio	Hooley	Owens
Dingell	Jindal	Radanovich
Engel	Jones (OH)	Serrano
Fattah	Maloney	Strickland
Fortenberry	McHugh	Towns
Fossella	McNulty	Velázquez
Gallegly	Meeks (NY)	Walsh
Gilchrest	Melancon	Weiner
Hart	Moran (VA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUP- PLEMENTAL REPORT ON H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have permission to file a supplemental report on the bill, H.R. 3132, the Children's Safety Act of 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2567.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3132

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3132.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 64

Mr. FEENEY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 64, a bill originally introduced by Representative Cox of California, for purposes of adding cosponsors and requesting reprinting pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 13, 2005, at 9:45 a.m.: That the Senate passed without amendment H.R. 3669.

Appointments:
Canada-United States Interparliamentary Group

Advisory Committee on Student Financial Assistance

With best wishes, I am

Sincerely,

JEFF TRANDAH,
Clerk of the House.

FOCUSING ON THE CHILDREN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know we will not forget, but I believe that as we make our way through confronting and addressing the pain of those who survived Hurricane Katrina, we should know all of the facts. Coming from Houston, let me say that one of the glaring tragedies that we will face are the large numbers of children that will be traumatically impacted by this disaster. In addition, we know that 300,000 to 400,000 of those children will remain homeless, and there are still lost children in Houston at the George R. Brown Convention Center and the Astrodome.

This week I will be convening advocates for children from around the Nation to sit down and craft a strategy that can address these large numbers of children, not only today in their lives but long-term. These victims will be with us for a long time. We are grateful for the generosity of Americans; but even in their hope and their optimism, we must confront the long-term solutions to bring about a better quality of life and for them, the joy of life.

Let us focus on the children. I welcome the thoughts of Americans and those who advocate for children to craft an agenda, a long-term strategy to help the children of the terrible Hurricane Katrina and terrible tragedy that has occurred for them and their families.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MASTER SERGEANT ROY BENAVIDES, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Master Sergeant Roy Benavides was born in south Texas on a ranch on August 5, 1935. He was a sharecropper's son, and he barely knew his parents. He was orphaned when he was young, and he and his brother went to live with an uncle in El Campo, Texas.

Roy was a quiet kid and spent most of his time in the sugar cane and cotton fields of south Texas working. He only finished the eighth grade, and his classmates made fun of him because of the way he talked. He joined the Army at the age of 19 and became an Army of One. On his first combat tour in Vietnam, he stepped on a land mine. Doctors were not sure he would be able to keep his leg, but he recovered and went on to become one of those legendary Green Berets.

During his second tour in Vietnam, in the early morning hours of May 2, 1968, Roy Benavides was monitoring a radio, listening to a 12-man unit on patrol. Three Green Berets and nine Montagnard tribesmen were dropped off into the dark, dense jungle west of Lok Nanh, Vietnam. The jungle they were dropped in was infested with the substantial force of the well-trained North Vietnamese Army. As quickly as they disembarked the Army helicopter, the American unit was surrounded by a large force of Vietnamese regulars. It was immediately clear to them that the mission had been given incorrect intelligence on the strength of the enemy. Three helicopters were ordered to evacuate the overrun and overwhelmed American troops. Due to intense enemy fire, the choppers could not rescue those Americans.

□ 1930

All the while, Sergeant Benavides was monitoring the operation by radio. When Roy heard one of his soldiers scream, "Get us out of here," he jumped onto another helicopter and volunteered for a second evacuation attempt. When he arrived under fire at the shocking scene, four Americans were already dead; eight others were wounded and unable to move.

Carrying a knife and a medic bag, Benavides left from the helicopter that was hovering 10 feet above the ground. He ran 70 yards under small arms fire to his injured and crippled troopers. Before he could get to them, he was shot in the leg, the face and the head, but he took charge and kept moving.

He tended to the injured. He threw out smoke canisters to facilitate the landing of helicopters and dragged the injured and dead aboard. Dodging bullets from the enemy, he ran in to find the dead team leader to recover his body and the classified documents he had on him.

It was in this attempt where he was severely wounded again. He succeeded in getting the classified documents, but he was shot in the stomach and grenade fragments blasted into his

back. At the same time, the hovering helicopter pilot was fatally wounded, and the helicopter crashed.

Even wounded, Sergeant Benavides helped the other wounded escape from the burning wreckage. He called in air strikes with the hope of suppressing the enemy and allowing for a third evacuation.

In critical condition, he supplied water and ammunition to his wounded troopers. His unconquerable spirit kept him going, and he inspired the wounded to stay strong and fight. And they did, for 6 more hours against vicious enemy fire.

When another helicopter eventually landed, he assisted in loading the wounded. On the second trip to this copter, he was bayoneted and received additional wounds in his head and arms. He was out of ammo. Master Sergeant Benavides had to fight assailants with his bare hands.

He finished the job of loading his buddies and killed two more enemy soldiers who were attempting to rush the aircraft. After grabbing the last remaining classified documents, Master Sergeant Benavides allowed himself on the helicopter where he collapsed, and those abroad presumed him to be dead.

He risked his life for hours, and because of his courage and refusal to be stopped, he succeeded in saving the lives of eight of his troopers.

Keeping with the American military tradition, he left no one behind on the battlefield. On the return flight back to the base, Benavides' body was lifeless. He was unable to speak; and when unloaded from the helicopter, Army doctors presumed him to be dead.

As they placed him into a body bag, Benavides did the only thing he could to prove he was not dead, he spit blood in the face of the doctor. He was then rushed to surgery and began to recover from seven gunshot wounds, 28 shrapnel wounds and bayonet wounds.

Master Sergeant Roy Benavides was a true hero and a proud American. His fearless leadership, courage and devotion to duty and America earned him the Congressional Medal of Honor. He acted above and beyond the call of duty.

His courage has been described as superhuman. When speaking about Master Sergeant Benavides, Ronald Reagan once said, "If his heroism were a movie script, you just would not believe it".

But he did not regard himself as someone special. He once said, the real heroes are the ones that gave their lives for America. I do not like being called a hero. I did just what I was trained to do.

He remained in the Army until 1976, and he spent the rest of his life counseling troubled Hispanic children and speaking to schools and youth groups. He is an example to all.

In 1998, on his deathbed, he proclaimed, "I am proud to be an American." And he still had two pieces of shrapnel in his heart.

So as we acknowledge, Mr. Speaker, the beginning of Hispanic Heritage

Month, we are thankful to the Hispanic American heroes like Master Sergeant Roy Benavides.

There were over 10,000 Hispanics killed in Vietnam, 20 percent of the casualties in Vietnam? And as our brave men and women continue to fight overseas in places like Iraq and Afghanistan, we can be sure that American Hispanics will continue to serve this Nation and fulfill the motto of General Douglas MacArthur of duty, honor and country.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

The SPEAKER pro tempore (Mr. Kuhl of New York). Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to thank my colleagues who just moments ago voted in support and helped pass the Wind Cave National Park Boundary Revision Act of 2005.

Wind Cave National Park is one of our Nation's oldest national parks and one of the jewels of our National Park system. Established over 100 years ago, Wind Cave was the first cave in the world to be set aside as a national park.

At the turn of the 20th century, its first explorers reported that the cave was only 3 miles long. Well, that report was a little off. Today, we know that the cave has over 117 miles of mapped tunnels; and explorers are still discovering new passages. This makes it the fifth largest cave in the world.

These passages contain many natural treasures, rare and exceptional displays of boxwork, a honeycomb-shaped formation that protrudes from the cave's ceilings and walls, as well as other rare cave formations and a geology that scientists are still working to understand. Past Congresses have recognized the value of these treasures by creating the park. Our ability to enjoy them today is a testament to their foresight.

With over 28,000 acres today, the park surface is an impressive asset as well. The Wind Cave National Park Boundary Revision Act will help expand this stewardship to include an additional 5,000 acres of mixed grass prairie, ponderosa pine forest and a dramatic river canyon.

Home to native wildlife such as bison, elk, pronghorn, mule deer, coyotes and prairie dogs, the park is one of the few remaining mixed grass ecosystems in the country. The expansion would be a natural extension of this habitat and enhance the park's holdings.

This project began when the ranching family that owns the land approached the National Park Service over 3 years ago. The Black Hills region of South Dakota is developing rapidly, and rather than allow the land to be developed into subdivisions and strip malls, they envisioned preserving it for future gen-

erations. That initial discussion expanded to the surrounding community, State government and, eventually, the United States Congress. The Bill's approval in the Senate and its passage here today are the fruits of those discussions.

In addition to receiving support in the House of Representatives from my two predecessors and myself, this bill has enjoyed the bipartisan backing of South Dakota's Senators and South Dakota Governor Mike Rounds. As the expansion project has proceeded, interested parties have weighed in with their concerns, and they have been answered.

Wind Cave National Park has protected and preserved a national treasure for over 100 years. The Wind Cave National Park Boundary Revision Act is an important step toward expanding the park and enhancing its value to the public so that visitors can enjoy it forever.

I would like to extend my gratitude again to my many colleagues who voted for this legislation, and I look forward to moving the proposed expansion forward in the future.

HURRICANE KATRINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, my heart goes out to those affected by the tragic events of Hurricane Katrina. This disaster has presented challenges we could not imagine only a few weeks ago.

A major American city needs to be rebuilt and hundreds of thousands of Americans need to find new homes and jobs. While this is a massive undertaking, this does present a unique opportunity. I happen to think that we should always look for a silver lining in any tragedy that we come across.

We can build a better, stronger New Orleans without losing the character and charm that made the city so great and alive, a New Orleans that can serve as a model for other communities throughout the country. We can build a housing infrastructure that can help end the awful poverty cycle that entraps too many Americans.

The rebuilding of this great city will provide jobs to people who desperately need them. However, the administration has already adopted policies that will hurt those that need our help the most. The administration has suspended the law requiring Federal contractors to pay employees prevailing wages.

By suspending the Davis-Bacon Act, the President is shortchanging newly unemployed Americans who are looking to rebuild their lives. Meanwhile, Government contractors can take advantage of cheap labor and drive up profits.

The prevailing wage for construction in the gulf region was among the low-

est in the Nation before Katrina. Without Davis-Bacon enforcement, residents of the gulf region will be working for less than a living wage.

Paying working families less per hour saves taxpayers nothing. All the money earned from shortchanging workers goes into the profit margins of Government contractors.

The people who are affected by Katrina deserve the same competitive wage protections as every other American worker. These people are willing to work hard to rebuild their beloved cities and their lives, and it is an insult to pay them a substandard wage.

The rebuilding of our gulf coast has the potential to be the greatest economic development project of our time. We can create 21st century transportation, housing, communications and energy infrastructures for the region. Some might remember during the Depression when we had the WPA work program.

The people of New Orleans want to work. The people of New Orleans want to put their lives back together. Let us give them their pride. Let us at least give them a wage that they can live with.

The rebuilding of the gulf coast should create economic opportunities for its residents, not an opportunity to take advantage of people desperate to rebuild their lives.

Mr. Speaker, we have already put the interests of Government contractors before those of the people of Iraq. It would be a travesty to do the same for the people of New Orleans.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND THE FREEDOM MARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as we all know, Sunday marked 4 years since the painful terrorist attacks that killed 3,000 Americans at the World Trade Center, the Pentagon, and a field in rural Pennsylvania. Sunday was a day for solemn reflection and remembrance, but our Government, specifically the Department of Defense, threw a propaganda party instead.

Sunday's so-called Americans Support Your Freedom Walk included a

pro-war speech by Defense Secretary Donald Rumsfeld and a concert on the National Mall by Clint Black, whose lyrics implicitly accuse war protesters of standing with Saddam.

Sunday was supposedly about honoring our troops. The problems is, Mr. Speaker, most of our currently deployed troops are on a mission that has nothing to do with 9/11. It has long been established that there was no connection between Saddam Hussein's Iraq and the murderous plot executed by al-Qaeda 4 years ago.

Ironically, Sunday's march, which was supposedly about celebrating freedom, took place in the most tightly controlled circumstances imaginable. March participants were required to pre-register. Tall fencing encased the marchers throughout. The media was kept at bay. Helicopters flew overhead. The Park Police issued a public threat that they would arrest anyone who joined without the proper credentials. And what were those credentials? Enrolling 2 days in advance to be checked out to ensure that participants were what? Pro Bush? Pro war? Pro propaganda? Pro continuing the lies of 9/11 linking to Saddam Hussein? And, for good measure, a Pentagon spokeswoman declared that protesting the march would be the equivalent of protesting our veterans.

Mr. Speaker, this was nothing more than mere propaganda, a transparent attempt to shore up the President's dwindling poll numbers, especially his poor marks on Iraq.

For the umpteenth time, they are trying to use the national unity inspired by 9/11 to justify a divisive, controversial and immoral war in Iraq, a war that has cost us nearly 2,000 American lives, thousands of severely wounded veterans, and thousands upon thousands of Iraqi civilians killed and maimed.

If we want to support the troops, the best thing we can do, the only thing we can do, is to bring them home, out of Iraq, where their very presence is animating the insurgency and giving rise to more intense anti-Americanism than ever.

For some time now, I have been calling for hearings on Iraq. But having received no satisfactory response, I am convening my very own hearing scheduled for this Thursday, September the 15th, from 10 to 1 p.m. in Room 122 of the Cannon Office Building.

We will hear from respected Middle East experts and military leaders about how we might achieve military disengagement while still playing a constructive role in the rebuilding of Iraq. We hope to break the silence on Capitol Hill, help fill the policy vacuum and spark a broader public debate about our policy options in Iraq.

Bringing the troops home, Mr. Speaker, and ending this occupation should be the beginning, not the end of a complete reassessment of our national security priority. National security means more than the use of mili-

tary force which, as we have seen in Iraq, can have the appearance of strength but can undermine our national security rather than enhance it.

To that end, I propose a new approach. It is called SMART security, which stands for a Sensible Multilateral American Response to Terrorism. SMART is based on the belief that war should be an absolute last resort, to be undertaken only under the most extreme circumstances.

But that does not mean that SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction, but it does so with stronger multilateral alliances, improved intelligence capabilities, vigorous inspection regimes and aggressive diplomacy.

□ 1945

SMART would reshuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that are truly relevant to the modern security threats that we face. SMART Security protects America by relying on the very best of American values, our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world.

TEXAS RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to take this opportunity to again update my colleagues on the effort of Houston's and Texas' response to Hurricane Katrina evacuee relief efforts.

From attending daily morning emergency operations meetings in Houston, I can bring a firsthand account of our progress. The city of Houston, which has a Democratic mayor, Bill White, and a Republican county judge, Robert Eckels, has produced an amazingly successful relief effort, hand in hand without partisanship or jurisdictional bickering.

I have always held Texas politics up as an example of the principle that puts people first and politics second. While we have not always upheld that principle recently, our response to Hurricane Katrina shows the best in Texas government, a single-minded focus on getting things done.

The Harris County Housing Department at Reliant Astrodome Complex has been doing an incredible job of moving evacuees out of cramped, uncomfortable shelters and into secure, medium-term housing situations. The Harris County Hospital District, our public hospital district, created a clinic almost overnight to treat our guests from the storm.

The University of Texas Health Science Center has also been a key asset at the George R. Brown Convention Center, where they are providing on-the-ground health care support to evacuees with all varieties of health care conditions, from children to the elderly to the disabled.

We have had our problems too. FEMA's communications capability has been slow. We have not been able to process people over the Internet or over the phone as fast as we would like. Faster FEMA registration is not just a matter of convenience. The faster we can register people for assistance, the faster we can get them out of that shelter which reduces the threat to public health from infectious disease.

Housing right now is our number one concern. We have over 40,000 evacuee residents already in hotels and motels in the Houston area. We have moved 228 families into housing over this past weekend while I was in Houston. As a result of our efforts in Houston, the numbers of evacuees at shelters are going down dramatically, which is good. Sharing a cot on the Astrodome floor with your family is not what I would call a long-term solution. It is very short term.

However, FEMA's reimbursement certainty is also necessary for housing. The city and the county have been trying to get a master hotel contract with FEMA to speed the payment. We do not have the financial reserves to pay hotel bills for tens of thousands of people indefinitely. We understand that this situation is unprecedented, but we cannot let red tape hold up the need of the folks that are there.

I am glad that FEMA now says the public assistance to Houston is expected to start flowing soon, within the next 1 or 2 weeks. Our reserves are running thin and help cannot come soon enough.

Texas generosity has been displayed from the businesses to individuals, but our local tax base cannot absorb the additional 400,000 people in the State or the 200,000 people in the Houston area. Red tape must be eliminated. Houston is still waiting on reimbursement from expenses from Tropical Storm Allison, which hit Houston over 4 years ago. We will be watching and calling and meeting with FEMA representatives repeatedly over the next 2 weeks on these reimbursement issues.

We cannot afford to wait until 2009 to be reimbursed for the sheltering, housing, transportation, feeding, clothing, and medical expenses of tens of thousands of these evacuees. This situation is unprecedented since the Civil War, which is the last time we had such a large number of out-of-state evacuees.

Our laws and regulations very well may need to change to adapt to our new situation, and they should. The next mass dislocation like this could very well be the next hurricane that could hit Houston or a terrorist attack that could hit any city in our country. That is why Medicaid legislation that I

had introduced gives the executive branch the authority to fully reimburse the State's Medicaid share it would otherwise have to pay for out-of-state evacuees.

For every evacuee, that is a resident of Texas who cannot afford to be put on Medicaid now, who must survive without health coverage. That is not acceptable. This is a national disaster and a national public health emergency, so the Federal Government should bear the responsibility.

On the plus side, I am pleased to see the announcement by Secretary Leavitt freeing up funding for the four new federally qualified health centers that were scheduled to receive funding in December. While this funding will be a big help, it does mean that we will have to serve more people for a longer period of time than expected. HHS should have the ability to reimburse federally qualified health clinics' costs for serving the uninsured evacuees.

In addition to housing and medical care, childhood education is also a concern. Our local schools have taken thousands of students impacted by Hurricane Katrina, seven school districts that provide education in my own congressional district of Houston. They have taken over 5,000 students in the last week, and we see more students coming every day.

Even though our schools are already at capacity, we are meeting the challenge of educating the children in the gulf coast impacted by Hurricane Katrina. Estimates by the State show this may cost Texas over \$450 million to serve the children that have come to Texas. Currently, FEMA will offer some assistance for these costs, and the Department of Education is unsure of what assistance they can grant. This issue is calling out for a solution by Congress, and we must step up.

Mr. Speaker, I cannot say enough about the efforts of our Mayor White and County Judge Eckels in Houston; but more importantly, their leadership has been more than matched by the efforts of government workers and individual volunteers on the ground. As a result, Houston is showing its best side to the Nation. And I am proud to be part of our relief effort, but our effort is unsustainable without Federal financial assistance.

Hurricane Katrina has devastated Mississippi, Louisiana, and Alabama. The ability of our local governments to provide vital services is now at risk of devastation as well. We need Federal help in this natural and national disaster.

ANNOUNCING THE AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the clean-up efforts along the gulf coast are now fully under way. The flood wa-

ters of New Orleans are receding, and we are shifting our focus from saving lives to restoring lives.

In the past 2 weeks, Congress has allocated a little over \$60 billion in disaster relief. It is the right thing to do; yet some here in Washington have questioned whether it is money well spent. Others even question whether we should rebuild New Orleans at all. And even after witnessing the horrors of Katrina's aftermath, some say they want to proceed with the tax cut for the wealthiest 1 percent in this country, all the while cutting Medicaid, educational programs, and environmental programs.

Ironically, many of these are the same individuals who have vocally and unequivocally supported aid and the funding requests for rebuilding Iraq. We should be responsible with the people's tax dollars; but we cannot have two sets of books, two sets of priorities, one for the United States and for Iraq.

Here is what we need to do to begin to restore the lives of the people in New Orleans and the rest of the gulf coast:

These Americans need health care, housing, education, clean water. And yet what is the President's budget for this year? A \$60 billion cut in Medicaid, a \$4.3 billion cut in educational programs, a \$1.6 billion cut to police and firefighters, a \$330 million cut to the Army Corps of Engineers, a \$450 million cut to the Environmental Protection Agency.

So the very initiatives that we need right now to help New Orleans and the rest of the folks on the gulf coast are the ones that the President's budget sought to cut back dramatically, and in some cases even eliminate entirely.

At the same time they want to do this, we are spending billions of dollars rebuilding Iraq in the very same areas of education, housing, health care. Here is a listing of Iraq reconstruction projects according to USAID: 2,500 schools have been rehabilitated; 32,000 teachers and administrators have been trained; over the next year up to 100,000 additional teachers will receive in-service training; 84 primary and secondary schools have been established as centers of excellence; we are provided universal health care for every Iraqi; 110 primary health care centers have been renovated; 10 water treatment facilities have been constructed; the Sweet Water Canal System was rebuilt, including the repair of breaches and the levee system; wetlands are being restored; ports are being rebuilt; and the entire transportation program is undergoing a massive renovation and construction program. All the while some are questioning whether we should do this for New Orleans in our backyard.

All the while the President's budget called for cuts in these very areas that we are now spending, appropriately in some cases, for Iraq.

Let me be clear, I am not against spending this money to help restore

the people's lives in Iraq. But we have a budget that was passed with opposition from Democrats to cut educational spending, cut Medicaid spending, cut health care spending, cut education spending, environmental clean-up.

In the coming weeks, I plan on introducing a piece of legislation to ensure that every dollar we spend in helping Iraq restore the communities, help restore the lives of the people there we will spend here in the United States, because we need to do that for New Orleans, we need to do that for the rest of America. But we cannot have two priorities, two sets of books, two sets of values, one for Iraq and one for the rest of America. Those are the wrong values.

Mr. Speaker, the American people are the most generous people in the world. We can do both. We can build America and Iraq. And it is important and imperative that as Americans remain the most generous people in the world, that they cannot think that their kids have less of a future than other countries around the world.

We need to ensure that we invest in America, that the roads and the bridges and the health care and the education and the environmental protection that we have on the laws, that we are investing in those areas. If anything, the horrors in the aftermath of Katrina showed us that America needs today to stand as one, to be invested in as one, that those communities need the same assistance. We cannot pass this budget that calls for cutbacks in the Corps of Engineers, cutbacks of \$60 billion in health care, cutbacks in community health care, all the while singing our own praises about the 3,200 schools we are building in Iraq, the teachers we are training, the universal health care we are providing.

Again, I will remind you, I am not against providing those. I am against the cuts in areas, in the very areas, that we are advocating and investing in in Iraq, cuts in those areas for America. This is the time when the country looks to its fellow citizens, to the government to ensure that they can both restore communities, restore lives, and rebuild those communities.

We need to invest in that area, and like the rest of America, build in America and make sure America stands strong going into the future. It is high time as we talk about our investment in Iraq, which is now close to \$350 billion, that that investment in Iraq, that we look here at home and say, what do we need to do in the areas of health care, education, schools, environmental protection. Because if we build Iraq, we have got to ensure that America stands strong.

METHAMPHETAMINE CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. OSBORNE) is recognized for

60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, I was privileged to hear British Prime Minister Tony Blair speak in this Chamber some time ago, and one comment he made particularly caught my attention, and this is what he said. He said, "As Britain knows, all predominant power seems for a time invincible but, in fact, it is transitory."

I believe he was referring to the fact that nothing lasts forever, particularly in regards to civilizations; nations eventually decline and they fall. History teaches that most of the world's great powers are not overcome by external force, but rather disintegrate internally. Let us examine three such cases.

First of all, you might hearken back to Rome 2,000 years ago. It ruled the entire civilized world. At that time it appeared to be invincible, and eventually it fell from preeminence; and the reasons that historians give for Rome's fall, and I am abbreviating somewhat, was a general decline in morality, increasing corruption and instability in leadership, and increasing public addiction to ever more violent public spectacles. And all of us, I think, can remember some of the stories about the Roman mob and their insatiable desire to be entertained, an increase in crime and prostitution, a populace that became more self-absorbed, apathetic and unwilling to sacrifice for the common good.

The second case would be that of Great Britain itself, which maybe Tony Blair was referring to.

□ 2000

Certainly, Great Britain has not gone into tremendous decline, but it was once a global power and was certainly the strongest, most predominant nation in the world for a period of 100, 150 years, and of course, that has changed. That empire slowly crumbled during the mid-1800s, and the reasons given for that decline were, A, that they lost national resolve to maintain their territory. It was far flung; and, of course, it was very difficult to maintain all of those colonies. The values that led to ascendancy were eventually eroded, and spiritual underpinnings certainly shifted in the country.

A third example would be that of Russia; and, of course, Russia, up until just 20, 25 years ago, was one of the world's two great superpowers. In a matter of months, Russia disintegrated before our very eyes. It was startling how quickly it happened.

Alexander Solzhenitsyn reflected on this fall when he observed, and this is what he said, Over a half century ago, while I was still a child, I recall a number of older people offering the following explanation for the great disasters that had befallen Russia, and he quoted them. He said, Men have forgotten God; that is why all of this has happened.

Marx and Lenin over time had dismantled Russia's religious heritage. Its

value system and Russia's foundation, even though it did well for a period of 60, 70 years, was fundamentally flawed. Eventually, Russia collapsed like a house of cards with nothing to sustain it.

There was some common themes on these historical collapses. Number one, the people became less willing to sacrifice for others and for their country; citizens became more self-absorbed; greater desire for the State to provide for them; weakening of commonly-held values; and, generally, a decline in spiritual commitment.

What does all this have to do with the United States and our present situation? We have the most powerful military, the strongest economy, the most stable government of any nation in the world at the present time. It is very easy to think that we are invincible, but I would like to remind those who are watching that, as Tony Blair stated, as Britain knows, all predominant power for a time seems invincible, but, in fact, it is transitory.

The reason I am speaking tonight, Mr. Speaker, is that my experience over a considerable time of working with young people, 36 years in the coaching profession, I witnessed some things that were somewhat disturbing and somewhat concerning. The young men that I worked with were more talented each year; and yet they showed more signs of stress, more personal struggles, less moral clarity. They were more troubled as time went on, and I think some of this struggle can be reflected on the chart that we see here.

What this indicates is the juvenile court caseload from roughly 1960 up until about 2000, and we see the trend line is ever upward, and the caseload went up by 400 percent. Obviously, something was going on with our young people during that period of time.

Some of the things that I witnessed that I think were contributing to this issue was the fact that, number one, there were changes in the family. The family is the basic social unit in our culture. In 1960, the out-of-wedlock birth rate was 5 percent. Today, it hovers at around 33 percent, an increase of 600 percent over those years of roughly 45 years.

In 1960, the great majority of children lived with both of their parents. Today, nearly one-half of our young people grow up without both biological parents. Roughly one-half of our young people have endured some type of significant trauma in their lives early on, and sometimes this leaves some scars that are irreparable.

Only 7 percent of today's families are traditional families, meaning that we have both a father and a mother and one parent or the other, usually the mother but sometimes the father, is at home full-time. In our culture today, oftentimes after 3 p.m. there is nobody home. The traditional family is no longer traditional anymore.

Parents today spend 40 percent less time with their children than they did a generation ago. The divorce rate has increased roughly 300 percent since 1960, and 24 million children live without their biological father. If your father bails out on you, sometimes even before he has even seen you or even knows you, it leaves some scars, and these wounds are difficult to heal; you are always trying to fill that psyche with all the wrong things. Fatherless children are more likely to be abused, more likely to have mental and emotional problems. They are more likely to abuse drugs and alcohol, commit suicide, commit a crime and be promiscuous.

A greeting card company a few years ago had an experiment. It was Mother's Day, and they went to a prison. They said, we will offer a free Mother's Day card for any prisoner who would like to have one and would like to write to his mother. They had just about 100 percent takers. Almost every prisoner got a card and sent it to his mother, and so they were somewhat encouraged by that success. They decided they would try the same thing on Father's Day. The interesting thing was, as they offered those cards, they had not one taker in that whole prison. That indicates the power of fatherlessness and the fact that it is so prevalent and the damage that it does to so many of our young people.

The family certainly in our culture still has some strength, but it is not as stable overall as it was 30, 40 years ago. We have taken these young people with a launching pad, the family has maybe not broken but it is cracked to some degree, and we thrust them into an environment that has changed dramatically over the years.

In 1960, drug abuse was almost unheard of. I remember when I first started coaching I think I had heard of marijuana. I had never known of anyone that had used it. Methamphetamine was something I had never heard of. Cocaine I had never heard of. Heroin was something that was maybe used in Eastern countries, but, again, I had never seen it. Things have changed certainly in our culture.

Alcohol abuse involving underage drinkers has certainly exploded, and there is a developmental aspect to underage drinking that many people in our culture are just beginning to discover. I think I can show you rather graphically here an example of how this works.

This is a brain scan of two 15-year olds. The one on the left is someone who does not use alcohol. The brain scan on the right is a 15-year old binge drinker, someone who drinks regularly at a very young age. They were both sober at the time they were given a math problem to solve; and, as they worked on the problem, a brain scan was taken. You can see here the brain cells that are firing in this brain. You know there is certainly a good deal of cognitive activity that is occurring;

and, on the other hand, in the brain of the binge drinker we see a rather graphic difference.

Many of our young people are starting to use alcohol at age 11, 12, 13, 14; and it is a whole different ball game when you start using it at that early age than if you start drinking when you are 21, 22, 23 because of the developmental aspect. This is something that many people in our culture do not realize. Many high school dropouts, many people who are doing very poorly in school, very poor academic performance are related in many ways to underage drinking and alcohol consumption at an early age.

A National Academy of Science study shows that alcohol kills roughly 6½ times more children than all other drugs combined; 6½ times more is due to alcohol abuse. Alcohol and underage drinking costs the United States \$53 billion annually. In my home State of Nebraska, that figure is roughly \$435 million a year, according to a Pacific Institute study that was done in 2001.

We have roughly 3 million teenage alcoholics in our country today; and, obviously, this is by far our biggest drug problem. The alarming thing that has happened is we have seen a tremendous increase in alcoholism and drinking problems on the part of young women. At one time, most of the drinking problem was centered in young men; and now we find that young women are drinking as much and, in some cases, even more than young men.

We also find that young people tend to binge drink. They drink to get drunk. They, on the average, will consume twice as much alcohol at a sitting as an adult will. Of course, this leads to all kinds of problems. Twenty percent of our eighth graders drink regularly, and children who drink before age 15, and the average young person who starts to drink does start drinking before age 15, is four times more likely to become an alcoholic than someone who starts using alcohol at age 21. Certainly, early alcohol usage leads directly to marijuana, cocaine, methamphetamine, ecstasy and so on.

The other thing that is of some concern, Mr. Speaker, is the fact that we inundate our young people with alcohol advertising. Our young people see 96 ads promoting alcohol use, oftentimes with young people in the advertising itself, 96 ads for every one that they see that might discourage underage drinking. The predominant attitude in this country is that underage drinking is something that is reasonably acceptable. We have not done a good job of advertising and trying to alleviate this problem.

Hundreds of millions of dollars are spent to fight drug production in Afghanistan, in Colombia, around the world; and a fraction of that money that would be spent on underage drinking would be much more cost-effective because we spend very, very little in that regard.

We have got a bill here in Congress called the Stop Underage Drinking Act, which we think will be very helpful. It would provide \$51 million on a national advertising campaign, much like we have used to try to curb tobacco use on the part of young people. We think this would be very helpful.

Anyway, we have obviously got a problem with underage drinking, and the next issue is something I would like to visit about a little bit, and that is a problem that is threatening to overcome and overwhelm our country.

In 1990, these two red States, Texas and California, each had 20 meth labs. All the rest of the States did not have that many. Methamphetamine was a problem primarily in Texas and California in 1990. Then we see the change that begins to occur. By 1998, in 8 years, we see that about 50 percent, or a little bit more of the country, was now subject to a great many methamphetamine labs. Certainly, meth labs are not only the indicator. Because maybe 80 percent, 70 percent of meth that comes into our country comes from superlabs, mostly from down in Mexico, but the existence of these labs shows the scope and the influence of methamphetamine.

More recently, in 2004, we now see that almost every State, with the exception of just a few States in the Northeast, had at least 20 meth labs or more. Some of these, for instance, Missouri, I believe, had something like 2,700 meth labs, Iowa had 1,300, Nebraska had 300, Oklahoma had several hundred, and on and on and on.

This has become a very, very powerful, very addictive drug that is really affecting our whole population but particularly our young people.

This series of pictures here shows rather graphically the influence of methamphetamine. This was a young woman who was first arrested, and her family gave these pictures to authorities hoping that they would be shown, and she was arrested every year for a period of 10 years. Here she may have been around 30 years of age, fairly attractive, very young, and you see the changes each successive year. Then it looks like maybe about here she may have begun to inject methamphetamine because you see a rather marked change in her appearance. This is the final picture in the 10th year, and this picture was taken in the morgue. She lasted 10 years, which many people do not.

□ 2015

It is very graphic, but it shows the devastating effect of methamphetamine and what it is doing to our population.

So I present this, Mr. Speaker, by way of simply indicating that there are some things in our culture that are disturbing, some things that we certainly need to address as directly as we can.

One thing we are really concerned about is that the Byrne funding, which helps fight methamphetamine at the

local level, has been drastically reduced. We cut it in half this year in the House. This was done primarily because of budget cuts, and this is absolutely something that cannot be ignored. This problem must be addressed, and we are hoping that that funding might be restored as we go to conference with the Senate, because they have included many of these funds.

We also find that the United States is a very violent Nation, currently the most violent Nation in the world for young people. We have the highest homicide rate, the highest teen suicide rate, and the most assaults. So rather a difficult, discouraging picture as far as some of our young people.

Also, pornography has exploded. I remember Senator Jim Exon from Nebraska, when the Internet was first coming into its prominence, began to think about the fact that pornography could be a major problem on the Internet; and he introduced legislation in the Senate to try to control the effect of pornography on the Internet. I remember some people laughed at his efforts. Some people made fun of him at the time. But he obviously was ahead of his time, because at the present time there are over 1 million porn sites on the Internet. Not 100,000, not 1,000, but 1 million. So nine out of 10 children ages 9 to 16 have viewed pornography on the Internet, and most of this viewing has been unintentional. They have simply run into it. This was according to a study done by the London School of Economics in January of 2002.

Some of our leading corporations, such as AT&T, have been involved in the marketing of hard-core pornography. At one time AT&T was kind of the gold standard as far as our corporate clients were concerned. I am not sure they are still doing this, but there was a time where they actually were doing some marketing of this type of pornography.

Search words on the Internet, such as Barbie, Disney, ESPN, and even at one time my name, if a young person was going to do a research article on his Congressman and looked up my name, it brought up a porn site. So this shows the pernicious effect and the somewhat deviant attitude of some people in that business, because these are all search words that are very innocent, and a young person would have no way of knowing when they type those words in that they would see something of a hard-core pornographic nature.

A poll in 2004 found that 82 percent of adult Americans surveyed said that the Federal laws against Internet obscenity should be vigorously enforced. And I think most Americans would agree they are really concerned about what is happening. There are some safeguards; but they are very, very difficult sometimes to implement.

Video games have certainly been a problem as well. Eight- to 18-year-old young people average 40 minutes per day playing video games; and of course some of these video games, not all of

them, some are very good and some are wholesome, but they have become increasingly more violent. Some teach stalking and killing of victims similar to military training video games. In one, Grand Theft Auto San Andreas, a person who does a particularly good job of shooting people is rewarded by pornography.

Now, fortunately, some stores voluntarily began to pull this off the shelves, but the rating system that is currently used by the video games is so flawed that a parent has almost no way of knowing when they purchase that game exactly what they are getting for their young person. And many parents, unfortunately, do not sit there and watch exactly what is going on in those games, because embedded in them sometimes is some very pernicious material.

Some of the music, some television, many movies are very graphic; and certainly that content would have been impossible to present 20 or 30 years ago in our country. It simply would not have been tolerated. So I am concerned because I have some grandchildren ages 6 through 12, and many people I think are concerned about their children.

So, number one, the family has certainly changed. It is less stable. The environment is more hostile that we thrust these young people into. And, third, the value system in our country seems to have shifted.

Many people are aware of Stephen Covey's book "The 7 Habits of Highly Successful People." In the early parts of that book, he did a survey of the literature that had to do with success, since he was writing a book about success. He surveyed all the literature in the history of our Nation that had to do with success, and what he found was something that was rather interesting. He said during the first 150-odd years of our Nation's history success was defined primarily in terms of character traits. A successful person was honest. A successful person was trustworthy. A successful person was hard working. A successful person was generous, and on and on and on.

Then he said about 50 or 60 years ago a definite shift began to appear in the literature, and success was no longer defined in terms of character traits, but success began to be defined primarily in terms of financial acumen. If you had a lot of wealth, you were considered successful. If you had celebrity and people wanted to be around you and wanted your autograph, you were successful. If you had power, you were successful. So you may not have had very good character; but if you had those other things, you were defined as being successful.

So there was a definite shift in terms of what we saw as being valued in terms of our value system. So it is no wonder that young people are somewhat confused as they encounter all of these things that are facing them.

We have also certainly in our culture seen a breakdown of integrity in the

business community to some degree; in athletics; even some people in the press have not behaved well; in the church; in politics. In all segments of our society there are those who have not behaved in ways that are very admirable. So the predominant world view today, and certainly that on the college campus, is something called post-modernism.

Now, post-modernism basically adheres to the idea that there are no moral absolutes. There is no absolute truth. And therefore what is true for you may not be true for me, or may not be true for somebody else. So we kind of define our own sense of right or wrong. So adultery, murder, even child abuse may not be absolutely wrong. There may be circumstances where this can be approved and understood. The only absolute wrong according to post-modernism is if you declare that something is absolutely wrong, then I guess that would be absolutely wrong, because there are no moral absolutes.

So in view of the family breakdown, a decline of the culture and shifting of values, it is an extremely difficult time for our children. We are asking them to weave their way through a mine field littered with alcohol, drug abuse, harmful video games, some music, television and movies that are not very wholesome, promiscuity, gangs, violent behavior, and broken homes. And we are asking most of them to weave their way through with less parental guidance and an ever-shifting value system.

So I have been rather hard, I guess, on some aspects of our culture; yet I do not want to leave this without talking about some of the things that we might begin to be proud of as well. D'Toquerville, the Frenchman who came here and examined our culture about a century ago, said this: "America is great because America is good." And we have seen some of that with Hurricane Katrina. We have seen an outpouring. We saw it when the Twin Towers came down. We have seen it with the tsunami. So we still are a generous, caring people. There are many great things about America, but there are some things we certainly need to look at.

So D'Toquerville wrote this 200 years ago, and I guess the question is, are his observations still true today. I think to some degree they are, but there are still some disturbing signs of change, and those are the things I have tried to enumerate.

So the question is, what can be done? We do have some difficult situations, particularly involving our young people; and so one thing that appears to me to work very well is mentoring, which is something I have been really interested in, my wife and I both. Basically, mentoring is simply providing an adult who, number one, cares in the life of a young person.

I will tell you a quick story. We had a mentor in Omaha, Nebraska, who had a young man who was his mentee. And the young man, who was 14 at the time,

had a cerebral hemorrhage and was partially paralyzed. At that time, I think many mentors would have said, well, I probably need to find another mentee because the young man was not able to go to school, was not able to speak very well, and could not move around. But what this mentor did was he stayed with that young man. He even drove him daily, for a period of time, 60 miles to get rehabilitation. And, basically, through the efforts of that mentor, this young man today is going to school and will graduate from school and is doing well.

So a mentor is someone who cares and someone who cares in a way that is consistent. There is a commitment there that goes beyond a warm and fuzzy feeling.

The second thing that a mentor does is a mentor affirms a young person. As a coach, I saw that so clearly. If you told a young person that you were not sure he could play for you, that you were not sure he had a future, it would not be long before he would begin to play down to that expectation and often would not stay with it. On the other hand, if you told him you believed in him, you thought he was going to be a great player, that he had a future, oftentimes he would grow into that which he did not even know he was capable of becoming.

I remember in 1994, we had a great quarterback named Tommy Fraser who went down with an injury. And the young man who was number two on the depth chart, was from a small school in western Kansas. He had athletic talent. He had not had great success on his football team in high school. His team had not done all that well. They had been okay. And all of a sudden he was going to be thrust into this situation. I remember we told him, Brook, we believe in you. We think you will be a great player. Brook grew before our very eyes and took us to an undefeated season.

So affirmation is critical, and it is something that a mentor can provide. Because so many young people in our culture today simply do not have anyone who says to them on a regular basis, you know, way to go, I believe in you, or I know you can do this, or you can do it. So affirmation is critical.

The last thing I think a mentor does, and of course there are many things they can do, but one thing that is important is to provide a vision. So many of our young people today have really not witnessed somebody in their immediate vicinity or in their immediate life who gets up and maybe goes to work every day, or someone who has graduated from high school, and certainly not one who has gone to college.

I will tell you a story about a young man who lived out in western Nebraska about 1895, and this young guy was the son of a Civil War veteran. The Civil War veteran had a drinking problem, and he had four children. He had a very little homestead, and the future did not look very good. There was a traveling preacher out there that got hold

of this young guy and saw something in him that he liked, and he began to affirm him and he began to say, you know, I think you could go to college.

Now, the odds of that young man going to college were probably one in a thousand from that circumstance at that particular time in history. And on top of that, he said, I think you could be a great preacher. He said I think you have a real future. So lo and behold, this young guy began to believe it and began to accept that vision, and he got on a train and went about 300 miles and went to college and played football and became a preacher, and a very distinguished preacher.

Now, the reason that that was so interesting was that that guy, that person who mentored him, who began to provide that vision made a huge difference in that person's life, and that person was my grandfather. I am sure that my life is different today because of the influence of that itinerant preacher on my grandfather. So mentoring has a ripple effect. It affects one generation and then the next generation and the next. So there is an eternal quality about investing in the life of another person.

□ 2030

Mentoring does work. It reduces dropout rates, drug and alcohol abuse, teenage pregnancy, violence, absenteeism from school; and it improves graduation rates and also improves relationships between peers and the relationship between the mentored child and parents. So it is a win-win situation.

Congress has provided \$184 million over the past 5 years for mentoring of young people which has reached hundreds of thousands of young people around the country. This is a good thing, and we think this is something that is certainly appropriate for Congress to do. But, right now, we have roughly 18 million children in our country who badly need a mentor; and yet we have only about 2 to 2.5 million actually being mentored. So only one out of nine children who needs a mentor has one.

We feel America is great, America is good, but we have so many retired people, so many people who could spare one or two hours a week to make a difference in the life of a young person. We really need to grasp hold of this idea of mentoring.

In addition to mentoring, something that can be done certainly is legislation. I think that the Congress, particularly this House, in many cases has attempted to address some of the ills that are befalling our young people. Certainly some of the problems that we are seeing with gambling on the Internet is something that this House has attempted to deal with, with very limited success.

A piece of legislation that I have been involved with with the gentleman from California (Mr. BACA), the Software Accuracy and Fraud Evaluation

Rating Act, or SAFE Rating Act, is an important piece of legislation because it would require the Federal Trade Commission to study the voluntary rating system of the video game system to determine if its practices are unfair or deceptive.

There is no question that video games currently are not being accurately rated and in many cases are very misleading. So we think that this is a piece of legislation that could be addressed and would make a difference.

Another thing that certainly could help our culture at the present time is a fundamental shift in many of the court decisions regarding the first amendment. I do not mean to imply that the first amendment is not important, that the first amendment should not be upheld, but some of the interpretations that have revolved around the first amendment have led our Nation in a direction that may not be the way our Founders originally thought it should go. I will show a chart that depicts some of these court decisions.

We can see in 1997 the Supreme Court ruled that indecent speech is protect by the first amendment and overturned the Communications Decency Act. This was a bill passed by Congress regarding indecent speech, and the Supreme Court basically ruled that indecent speech is protected by the first amendment. This was a fairly important decision.

In 1998, the Supreme Court refused to rule decisively on the Child Online Protection Act, thereby allowing the legislation to remain law while preventing it from taking effect. This particular bill provided protection against obscenity on the Internet, and yet it was never enacted into law because of the Supreme Court ruling.

In 2002, the Supreme Court overturned the Child Pornography Prevention Act, ruling that child pornography must involve minors engaged in sexual activity to meet the legal definition of obscenity to lose first amendment protection. So what this means is if there was a cyber simulation of child pornography, that it was legal. Of course, it is impossible to distinguish if something is done well using electronic means, whether they are using actual children or not. So this was a blow to the people trying to control indecency on the Internet.

And, in 2002, a three-judge Federal court declared the Children Internet Protection Act requirement that all schools and libraries receiving Federal funds use Internet filtering material to protect minors from harmful materials on the Internet unconstitutional. So even in a public funded library children are not necessarily protected from obscenity.

All of these things would lead one to believe that certainly some of the court rules have not been friendly toward our young people, particularly with regard to the issues of pornography.

Some people say pornography is not really a problem because it is harmless,

it does not really hurt anybody, and it does not really affect anything. But if Members think about it, we spend billions and billions of dollars on advertising. If that advertising did not change behavior, I am sure that money would not be spent. Advertising absolutely does change behavior. What you see, think and read about changes the way you perceive things and the way you act.

That is true very much also with pornography. As a result, we have a great many women and children in our country who are suffering because of this and because of the fact that we have been either unwilling or unable to control something that we think has been very pernicious in our society.

The other thing that I would like to visit about briefly tonight is the issue of school prayer. I am not somebody that is off the charts in this regard. I certainly do not believe that a teacher should be allowed to proselytize in the classroom. I do not believe that the principal should get on the intercom every morning and lead a prayer, but I would say that the pendulum has swung awfully far.

In 1962, the Supreme Court ruled the following prayer unconstitutional, and this is what the prayer was.

"Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This is fairly innocuous. It does not seem terribly threatening, and yet I can see where possibly this is something that the court would get involved with, and they did rule this unconstitutional, and that started the ball rolling down the hill.

So it would appear that many of the court rulings have been contrary to the thinking of many of our Founding Fathers. Benjamin Franklin said, "We have been assured, Sir, in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that without His concurring aid, we shall succeed in the political building no better than the builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves shall become a reproach and a byword down to future ages."

"I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business."

Because of Franklin's speech in this Chamber, of course, this Chamber has been built since Franklin, but in the House and in the Congress every morning there are prayers that are held. Yet we are really restricting prayer in so many other arenas.

George Washington said, "The propitious smiles of Heaven can never be expected on a Nation that disregards the internal rules of order and right which Heaven itself has ordained."

David Barton said, "Franklin had warned that 'forgetting God' and imagining that we no longer needed his 'concurring aid' would result in internal disputes that decay the Nation's prestige and reputation, and a diminished national success. Washington had warned that if religious principles were excluded, the Nation's morality and political prosperity would suffer. Yet despite such clear words, in cases beginning in 1962, the court offered rulings which eventually divorced the Nation, its schools and its public affairs from more than three centuries of its heritage; America is now learning experientially what both Washington and Franklin knew to be true; we are suffering in the very areas that they predicted."

Barton's warnings may be somewhat dire, but I do believe there is something to what he says. We certainly have disregarded some of the warnings of the early framers of the Constitution, and we have strayed far afield from what the original intent of those who wrote the Constitution appeared to be.

So despite the fact that the Constitution does not contain a separation of church and State clause, that phrase is not in the Constitution, in 1992 the Supreme Court declared an invocation and benediction at a graduation ceremony unconstitutional. So at a graduation ceremony you could not have an opening prayer or a benediction. Of course, as I said earlier, we begin the legislative day in this House with prayer every day.

The court held that a minute of silence in a school was unconstitutional. This seems a little bit beyond the pale to me that students could not have a minute of silence. They could think about history, they could pray, look out the window, but this was ruled as unconstitutional.

The court also ruled that a student-led prayer at a football game was unconstitutional. This was a prayer that the students had voted to have, and it was led by a student, it was outside the school building, and yet the court said the football players had to be there and the cheerleaders had to be there, and they might hear a prayer that was offensive to them. Therefore, you could not have a prayer. Again, that seems a little bit far afield.

As many of us know, the words "under God" were struck from the Pledge of Allegiance by the Ninth Circuit Court of Appeals, and that was thrown out by the Supreme Court because they said the parent bringing the case had no legal standing. In other words, the father was not the legal guardian of the young woman, the young girl that he was providing in the case. So the court did not rule it out. They did not throw out the ruling by the Ninth Circuit based on its merits but rather because of no legal standing, and I am sure we will see that reintroduced in the court again in some fairly recent date.

The Constitution is increasingly being interpreted as a "living document" and legal decisions increasingly come down based not on what the law states but rather based upon the personal ideology of the jurist. So the philosophical bent of the Supreme Court justices and district court justices determines very largely the course of this Nation in many important areas.

So we are now faced with the confirmation of Judge Roberts, and it is a very serious business. And we have one other vacancy on the Supreme Court, the first time in a long time we have had a situation like this. The direction that the court goes is going to be very important.

I know of nothing personally regarding Judge Roberts that would lead me to believe that he would not try to be a strict constructionist, that he would not try to interpret the Constitution as it is written, and I do not believe he would be a biased person. I am sure there would be those that disagree, but these are critical sometimes, Mr. Speaker, and these decisions will be very important.

So the makeup of the courts and the will of Congress will greatly influence whether we continue to drift further from our heritage or draw closer to those values upon which our Nation was founded. The willingness of Congress to focus on the pernicious influences impacting our children, the willingness of the American people to demand that those profiteering at the expense of our culture and our young people be reined in, will largely shape the future of our Nation.

Terrorism is an ever-present threat, the economy is of concern, and natural disasters like Hurricane Katrina are a tremendous threat to us. However, terrorism, economic distress and natural disasters will not prevail as long as our national character is sound. We are engaged in a cultural and spiritual struggle of huge proportions, and I can only hope that the principles upon which this Nation was founded remain pre-eminent.

As Congress addresses important issues such as those that I have mentioned, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people; and I would urge Congress to think about these things and particularly to try to guard the future for our young people, because the future of this Nation is our young people. If we continue to let some of these pernicious influences that we now see impacting them so greatly continue, it may certainly render us one of those nations that become somewhat like Rome, like Great Britain, and also like we have seen with the Soviet Union. So it is important that we be vigilant.

ENERGY INDEPENDENCE

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous

order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I listened to the gentleman from Nebraska (Mr. OSBORNE), and I wish to just add that many times people find their families breaking apart and experience a sense of hopelessness because of the pressures that come to bear.

□ 2045

It is not that they necessarily have bad character, but, in fact, very bad things happen to them. And in fact, Hurricane Katrina showed us in another way how America's overdependence on imported petroleum leaves our families more economically vulnerable and leaves America strategically more vulnerable to shortages or other market disruptions.

If we look in the past year of 2004, the five major U.S. oil companies, Exxon, British Petroleum, Shell, Chevron, and Conoco, have almost tripled their profits from 2002, taking in over \$50 billion more than they did just 2 years before. And guess where those dollars came from? Right out of our pockets, putting greater pressures on family life. In 2005, after months of suspected price gouging, these five major oil companies are on target to pocket over \$100 billion more, nearly \$40 billion more than Congress has appropriated so far to rebuild the entirety of our devastated Gulf Coast, which has taken generations to build. That is how much money these big companies are making.

According to the September 1 Wall Street Journal article, unleaded gasoline prices surged 36 percent in just 3 days, pushing the wholesale price to 132 percent above 1 year ago. This massive increase occurred despite the fact that in the same 3-day period, the price of crude oil went up just 4.25 percent. Over the past year, crude oil prices have gone up 64 percent. So that means the wholesale price of gasoline jumped nine times as fast as the price of crude in 3 days and is running more than double the increase of crude over the past year; and these companies are gaining a windfall benefit.

According to information provided by the Congressional Research Service, we suffered a gasoline shortage of 13 percent as a result of Hurricane Katrina. But in 2004, according to a Congressional Research study, 2.5 percent of motor fuel usage in our country came from ethanol, a fuel produced here at home. If we had moved to providing 10 percent of our fuel from ethanol, as some States like Minnesota do, we would have been able to replace more than half of this shortfall with ethanol and put the money in the pockets of our own farmers rather than dictators and kings over whom we have almost no control.

As of today, there are about 5 million vehicles on the road that will run on 85 percent ethanol, but most people do not know it, and it is very difficult to

find the fuel because these companies do not want to really bring it on line.

We need to change this situation. The 2002 farm bill provided the first-ever energy title as part of a farm bill in American history, promoting the production and usage of ethanol, biodiesel, and other renewable energy sources. But in recent years, instead of moving to aggressively implement these provisions, the Bush administration has consistently proposed reducing funding for these energy programs. And this is after his own energy plan failed to provide a single one of its 103 recommendations directed at programs offered by the U.S. Department of Agriculture. We have agriculture waiting, a lady in waiting, that this administration refuses to see to help America move toward energy independence.

The recently passed energy bill makes additional moves in that direction, but fails to take America in the direction fast enough to counter these massive price increases. Think about it. Oil shortages in the 1970s. Wars in the Middle East in the early 1990s and again now have the supply of oil looming as a prime motivator. Domestic shortages due to national disasters such as Katrina push up gasoline prices to a national average of more than \$3 a gallon and local prices as high as \$6 a gallon. When will we learn? When will we take control of our own fate?

I have sponsored the Biofuels Energy Independence Act of 2005, H.R. 388, to advance research, development, production, and marketing of biofuels produced from renewable sources like corn, soybeans, cellulose, and other biomass supplies. I want to again urge my colleagues to break America's addiction to imported oil right now by taking advantage of technology that is available today. Literally, we could displace one third of imported petroleum with these renewable fuels that could be produced inside our borders. All it takes is leadership. Is it not time?

ISSUES AFFECTING AMERICA IN THE AFTERMATH OF HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House of Representatives, and we want to thank the Democratic leader for allowing the 30-something Working Group to come to the floor once again to work on issues and talk about issues that are facing Americans in this time after Hurricane Katrina and the devastation that has taken place in the South. Also, issues that are facing everyday working Americans throughout our country that are working 30-somethings and their families. When I mention their families, I am not only

talking about 30-somethings as individuals but also their parents and their grandparents and their children and children to be.

Mr. Speaker, this working group, like I stated last week and the week before last, is a group of Members on the Democratic side of the aisle that come together on a weekly basis to talk about the issues that are facing Americans. I want to thank the Democratic leader and the gentleman from Maryland (Mr. HOYER), the Democratic whip; and also the gentleman from New Jersey (Mr. MENENDEZ), chairman of the Democratic Caucus; and the gentleman from South Carolina (Mr. CLYBURN), our vice Chair, for standing steadfast on behalf of those Americans that are in great need at this time. I would also like to thank all of the workers that are working on behalf of the Federal effort to be able to bring about some, hopefully, stability to those that are in the affected area.

Mr. Speaker, I speak from experience because I had an opportunity to travel down to Hancock County this past weekend and also to Gulfport, Mississippi, to speak with some of the residents there about some of their pain and suffering they are continuing to go through. And I know that last week I mentioned that we are in the first 2 minutes of the first quarter of their recovery process, and I will tell the Members what I saw down in Hancock County, which was one of the hardest hit areas.

Everyone knows about New Orleans, that when the storm hit New Orleans, the worst thing that happened to New Orleans was the fact that the levee broke and that those homes were flooded, and a lot of those homes have to be leveled due to the water damage and saltwater damage to those homes. But I had an opportunity to travel down there, Mr. Speaker, and I want to share some of the photos that we were able to take down there of some of the devastation that took place.

Mr. Speaker, this is actually a photo here of the Florida National Guard. I have to take my hat off to those men and women that actually went down to Hancock County, where they had a tidal surge, or storm surge, of 23 feet. We have Colonel Duren who is in between me and the gentleman from Mississippi (Mr. TAYLOR), who is a Member of this House. This is actually the gentleman from Mississippi's (Mr. TAYLOR) home that stood there and was washed away. The storm surge was actually to the top of the trees, and it was almost like a washing machine. Brick homes, wood homes, trailers, what have you, are just leveled and devastated. The gentleman from Mississippi (Mr. TAYLOR) feels that he will recover, but there are a number of stories of his neighbors and his whole neighborhood that was actually washed out.

These are members of the Florida National Guard that were with us, and they have cleared in Hancock County and Mississippi some 65 miles of roads

that needed to be cleared to help individuals put themselves back together.

This is also some devastation from the same county that is receiving very little media attention about what happened. Some buildings that have been there since the 1800s have been taken outside by Hurricane Katrina. And as the Members can see, the economy and the way of life in that particular area is going to be forever changed.

Also, we have here a middle school. I am standing there with Colonel Duren of the Florida National Guard once again. Not just because I am from Florida, but I want to thank all of the National Guard troops that are actually down there trying to be a part of the Federal response.

As the Members know, in Florida we have the special emergency response teams that have a lot of experience in the recovery process, helping people bring their lives back to normal. They are working with very little guidance, and I think I am going to make a point a little later on, Mr. Speaker, the reason why we need a commission to look at the whole Katrina experience from the beginning to the end. Some may say that a commission would bring about something similar to the 9/11 Commission with civilians, individuals that once served in this body, past first responders and present first responders, so that we will be able to avoid something like this from happening again.

This is actually a middle school here. The Florida National Guard cleaned about maybe 2 or 3 feet of mud out of this school. This is the library, where the librarian and we also met with the superintendent of schools in this county said that the librarian's goal was to have a million books in this library, and obviously she has been set back; and we will be asking Americans to not only help this school but other schools that are trying to stand up on their own two feet. All of these books were soaked, and obviously the mold and everything has set in here, and these are the setbacks that many of our young people have gone through.

The last picture I want to show here, I know FEMA has received its hard knocks and I commend not only past Director Michael Brown from stepping down from the post of FEMA because this recovery should not be about Michael Brown, it should be about FEMA doing its job, and with the appointment, the temporary appointment, of Mr. Paulson, who was the Miami-Dade County fire director, who went through Hurricane Andrew and a number of other hurricanes, we do know that he does have experience in recovery and also response. With it being very early in hurricane season, and North Carolinians and South Carolinians and Virginians looking at a possible storm hitting them now, it is important to have someone at the helm of FEMA that has some experience in dealing with natural disasters and know what to do when they happen.

This is actually a FEMA trailer here in Hancock County. I am speaking to one of the part-time workers here standing up. These are phones that are there of individuals that are coming in that are making phone calls to receive their initial \$2,000 from the Federal Government to be able to assist them with some of the basic needs. Some of these people waited at least 3 hours in the blazing sun in Mississippi. I must say it must have been about 90 degrees here, nothing that we can do anything about because they do not have the facilities to be able to go into. My hat is off to those local workers and FEMA workers.

Actually, this gentleman here in the corner of the picture, he is retired. He worked with the Firestone Rubber Company in west Maryland. I must add, and he has been down there for 8 days, and he is saying that he has been working hard in trying to make a wrong right. And many of these people like him that are working that are retired that have decided to work part time for FEMA, I think we need to take our hats off to.

We have a couple of others. But, Mr. Speaker, I think it is important that we set politics aside and allow leadership to prevail. And in the 30-something Working Group, we are very concerned about politics playing a role in not only this recovery process but being able to get down to the bottom line of what has to happen not only in the future but right now. I would ask the Members and also Americans to take a look at Time magazine talking about poverty; also talking about the issue of race in the South.

I will tell the Members that many of us watched New Orleans residents suffer for 3 days without food, without water. Some went into stores and took what they needed to be able to survive. Some left their homes with only the clothes that are on their backs.

□ 2100

I went to Mississippi, Hancock County, a lot of hard-working people, like the hard-working people of New Orleans; and there was a similar story, Mr. Speaker. I was talking with the mayor of the town, and he told me at the Big K and the Wal-Mart, they stood in front of that Wal-Mart and he told the folks, listen, go in and get what you need. Do not walk out with a DVD or whatever the case may be, but go in and get the things that you need to survive, because that is all they had. There was the threat of the fact that they may run out of food, they may run out of water, they may run out of personal items that they need to be able to survive; and so they did what they had to do. Unfortunately, they had to do that. These are law-abiding individuals, and I know in New Orleans the same thing happened.

So when we look at this situation, we have to look at how we put Americans in the position to go in and do things traditionally that they have not had to

do, individuals that woke up every day and went to work, did what they had to do to put food on the table for their families, pay for their children's education. I think it is important. A lot of children and women are affected by this storm. It did not discriminate, and I think that the question that was posed to the President, was there discrimination that played a role in the national response, I think that the future will tell if that is true or if it is not true.

I am one that believes that we can see the best of America right now. The world is watching what we do and how we do it. And regardless of the pigment of the skin of the individuals that were affected by this storm, if everyone is treated equally and as human beings, I think that it will be important for us to prove to the rest of the world, if we are the superpower of the world and we stand as a shining example of democracy, I think it is important that, through our actions and here on this House floor and in the other body and the executive branch, that we play a very strong role in making sure that those individuals that were displaced, evacuees, Americans that are in Utah, that are in my district in Miami, Florida, that are in New England, that are in Maryland, that are here in Washington, DC, in our Capital, that are in Texas, that are in Georgia, that are in the upper part of Mississippi, that we make it so, Mr. Speaker, that they will be able to come back to their homes and they will be able to claim their property and that they will be able to move in and they will be able to take part in this recovery process.

Many of the small businesses that were struggling anyway will not go back into business. We know that the SBA will try to do all they can to provide low-interest loans. We know that individuals of good will and banks have offered dollars as it relates to providing them with loans, and we know that the economy in New Orleans and throughout the Gulf Coast area are going to be suffering for some time.

I had an opportunity also to visit Gulfport, and I can tell my colleagues that I went to go see the port, and to see port containers, Chiquita Bananas, what have you, that are 5 miles down the road that destroyed homes. I am from Miami, Florida, so this is nothing that I am not used to, seeing storm damage. But when you see a storm surge, 23 feet of water, and you see a container sitting between two trees and what is left of a house wall and you wonder how it ended up there, some 4 or 5 miles away, and that is no exaggeration whatsoever; it was like a washing machine and those containers moved on down and they just literally, and the tidal surge cleared those homes and the way of life that individuals are used to seeing.

I think that it is also important that as we look at FEMA, we have to make sure that we have this independent commission. The Democratic leader,

and I must say the Democratic leader, and I may just want to say leader, she is a leader just like we have other leaders in this House on the other side of the aisle; I think we should be willing to take on the recommendations of leaders who are in this Congress, and I think we should be able to take on the recommendations of those who have been through this before.

I think that we should ask professionals to come to serve their Federal Government, just like a 9/11 Commission with subpoena powers to be able to ask the tough questions. Because the unfortunate thing that happened in this case as it relates to Hurricane Katrina is that we did have a great deal of loss of life. It may not be what some people said that it would be, but individuals have lost their lives, and we also have individuals that have been injured in this storm that go unsung. We have children who cannot find their parents at this particular time. We have sons and daughters that they are trying to locate, through the media and Internet sites, and volunteers are trying to reunite individuals, family members together.

So I think that it is worth the Federal commitment to the South that we do everything that we can. It goes far beyond our visit. Just by myself going down to Mississippi is not enough just to say I have been there. It is not like visiting Walt Disney World and saying, oh, I did go to Walt Disney World and I have been to Disneyland. That is not what this is about.

It is about us being able to not only go down to the area; and I must say, Mr. Speaker, the gentleman from California (Mr. WAXMAN) and the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security, and others, the ranking member of the Committee on Transportation and Infrastructure has asked for a congressional visit down to the affected area, and I think that is important. I am glad the President is going there. He was down there when I was there. But this Congress has to go down and see exactly what is happening to these individuals in the South.

This Congress that will appropriate the dollars, because the President can only recommend, but this Congress needs to see firsthand the needs of those individuals that are affected. I think not only going to the affected areas, but going to see shelters that are far away from the South where these individuals have been introduced to a new community, and I want to commend those communities who have taken these evacuees, these Americans in with open arms.

But we have to go far beyond putting them in our gymnasiums and in our sports arenas and in our churches. We have to make sure that they have what they had before the storm, that is, a home with a fence, with memories, with family portraits on the wall, and a sense of community. We owe them

that. I feel as it relates to the levee, the levee there in New Orleans, the things that should have been in place, that it is important that we make them whole. I think it is important that we look at and we have an independent committee just like the Democratic leader has suggested. And I must say, Mr. Speaker, unfortunately, the Democratic leader said we should come together in a special session and send emergency appropriations to FEMA so that they can have the dollars to deal with the response.

Originally, that response back from, unfortunately, the leadership was, oh, we do not need to do that, and then a day later the President recommended it and said well, yes, it is an idea and jointly we will do that. But I think that time is of the essence and we need to put partisanship aside.

I think also as it relates to the recommendation of Director Michael Brown, obviously he was over his head on this particular issue. I personally went down last Friday and met with the hurricane center director. Michael Brown was in place, he spoke to him the day before the storm, like he spoke with the mayor of New Orleans and others. There were individuals that knew what happened and what was going to happen. So I think it is important that we look at this beyond what we read in the paper. I think it deserves the kind of attention that the 9/11 Commission was able to bring about, for not only the survivors but also the families of the 9/11 tragedy.

So if we do not do that, I think we fall short of allowing Americans not only to know the truth but to be able to have preventive action in place.

The Special Emergency Response Team from Florida is one of the best teams in the Nation with some of the best building codes in the Nation, and we are able to respond. Our National Guard automatically, they know automatically in the way they do business, when the wind drops down to 40 miles per hour, they are moving in. They are moving in before Americans or Floridians have an opportunity to even come out of the house and see what happened. They know they have a security mission; they know they have a recovery mission. This is what we need throughout the Nation. We need a Federal Government that understands that.

I am not here to say that it was totally the Federal Government. I commend the President for taking some level of responsibility for the Federal response being lackluster, at best, because Americans not only were close to starvation, but without water. And if the media can make it there, the Federal Government can make it there. If a paper was not signed or somebody did not call somebody, we knew, those of us who knew, what we had to do when we had to do it. So that is important.

I am glad that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has joined me,

who knows quite a bit about hurricanes herself. We served in the State legislature together in Florida and were a part of many of the reforms in Florida after Hurricane Andrew. Now, hopefully, we will be a part of the reforms here in this Congress as we look at the Federal response in the future.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to be here with my colleague once again and an honor to serve with him. I just have to commend the gentleman. I saw him when I was watching my TV coming off the plane yesterday, the gentleman's trip to tour the devastated areas and, particularly Hancock County, which I think the gentleman particularly went to with his Committee on Homeland Security colleagues to highlight that it was not just New Orleans, it was not just the ground zero area of New Orleans.

Ground Zero was actually Hancock County, and the communities there that essentially, it appears, have been forgotten, or at least neglected because they are smaller and the focus does not appear to be on them. So I was so proud of the gentleman to see him doing that. Once again, the gentleman is stepping up for people who need him. This is not, we are not here for a love fest; but it did my heart some good to know that colleagues of mine were going where their help was needed.

Mr. MEEK of Florida. Mr. Speaker, the gentlewoman was also busy making sure that our constituents were able to take advantage of the filing of her bill, and I am a cosponsor of her bipartisan bill, in forcing FEMA to make sure that those homeowners, some 300-plus in south Florida, are able to receive FEMA assistance. Many of those individuals need that assistance; and because they fall under the 800 or 400 threshold of FEMA, they have a discretionary decision to make here in allowing those families, individuals who work every day, pay taxes every day, to be able to take advantage of what the Federal Government provides.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is right. As we discussed last week when we were putting this bill together, and we are fortunate that we have all 25 members of the Florida delegation as cosponsors, we are working together on this, this is not a partisan issue. We have some homeowners who were looking through the roof of their houses at the sky. The impact on those families in Florida is the same as the impact, without the widespread devastation, that they are feeling in the Gulf Coast States. But we wanted to make sure that Floridians do not get left behind who are suffering in the same way. I appreciate the gentleman's leadership and advice and guidance on helping to put that bill together.

One of the things that I wanted to talk about tonight is where we go from here, which is, I know, the direction that the gentleman from Florida is taking this discussion. There are some

good things that have happened, in no small part, I think, due to the things that we have been pointing out over the last 10 or so days. Leader PELOSI has rightly called for an independent commission similar to the 9/11 Commission.

Like the gentleman said, that would not be Members of Congress sitting around and talking to each other; that it would be, and certainly that would be bipartisan and would be balanced and fair, so the American people can have confidence in our emergency preparedness and disaster response system. Because of all of this that has happened in the last 2 weeks, that is what has been shaken the most. We have been building, since September 11 we have been trying to rebuild Americans' confidence in the system, because when you have the Twin Towers knocked down, that was the biggest devastation beyond, obviously, the tragedy of the 3,000 people who died there, was that America's confidence was shaken in our ability to respond to those kinds of disasters.

And it is 4 years in the making, a process that we restore confidence, we restore people's ability to believe that we have some security here. While we may have made improvements on the terrorist and international risk preparedness level, clearly the domestic preparedness level, as the President admitted today, we have a lot of work to do. Because we never can predict Mother Nature, and particularly because of where we live, we have hurricanes approaching our constituents on a regular basis, it is really disturbing.

So I am glad that Under Secretary Brown did the right thing and stepped down. We called for it a year ago with our colleague, the gentleman from Florida (Mr. WEXLER); and, quite honestly, had he done the right thing sooner than that, then perhaps we could have had a prepared expert in place who could have responded much better to the results of Katrina.

Mr. MEEK of Florida. Well, I can tell the gentlewoman that this is very, very important, being able to take these recommendations and move with them. Also, I think it is important that Members of Congress, we can travel overseas and learn from what they are doing and express our feelings to individuals as it relates to counterterrorism issues, as it relates to trade; we can definitely go right here domestically. We have a number of aircraft that are out at Andrews Air Force Base that can move Members down so that they can get firsthand experience in speaking to those Americans.

One may say, well, you do not represent those individuals. Well, I do not represent anyone in Egypt. I do not represent anyone in Europe. I do not represent anyone in other areas where we have interests, whether it be Pakistan, citizens of that country.

□ 2115

But as a Member of the U.S. Congress, I do represent Americans. Even

though I have a district, we are here, and we stick our voting card in these machines that are placed behind these chairs here voting on behalf of Americans, and they pay taxes to be able to allow us to do some of the things that we are doing throughout the world.

The least that we can do, Mr. Speaker, in my opinion, the least that we can do on behalf of these Americans, go down now, see it as it is now. Take it from me, from someone that has gone down there and has seen responders, they are going through a transition of law enforcement and first responders.

We have search and rescue that is going on in New Orleans, but much of it is now a transition into recovery, making sure that independent contractors that are traveling from as far down as Canada, United States border, and we do know some of them are well intended and some of them are coming to take advantage of making the victims victims again. And this is the reason why we need to know first hand what is going on.

When New Orleans is clean and when the gulf area is clean, as it relates to some of the debris that is there, that is in place there now, I do not think that it will serve us well if we do not see it in the way that it is now. TV just does not give it justice, in my opinion, to be able to see the sweat literally run down the side of an individual that is waiting in line to be able to receive Federal assistance.

I was there with the gentleman from Mississippi (Mr. TAYLOR), who has been down there and was there all last week, did not come up to Congress because he needed to be able to help his constituents put their lives back together. Rightfully so, he was there for him; and we did what we had to do up here, did the best that we could to make sure that appropriations came down.

But there are a number of individuals that are still suffering, a number of individuals that we have to understand as a Congress how we respond, even when it comes down to individuals that Americans that have poured their hearts out and sent not only contributions to some of the organizations but have taken it upon themselves, with their credit cards and with the gas prices now, I would say credit cards, going and filling their tanks up and driving down, not knowing anyone, but going down there to feed people, to help people, but those individuals, and for diapers and all of those things that have been sent down, being able to understand that we need volunteer coordinators from the beginning to make sure that those supplies are not spoiled or being out in the sun or being in a place where they should not be.

The little, small things like that are important for us to understand as Members of Congress.

And, Mr. Speaker, if this was allowed, because I must share not only with the Members but those of us that are in this Chamber that, you know, as a ranking member of the Oversight

Committee on Homeland Security, if I had the authority, I would do it. But, unfortunately, I am in the minority party; and we cannot authorize a congressional visit. The majority party can do that.

And I have said that to my Chair. I said that we have a responsibility to go down there. From what I understand there hasn't been an official congressional CODEL to the gulf States. Our commitment to the South is in judgment right now.

I think there are individuals, Democrats and Republicans and independents alike, and those individuals that are not even registered to vote, that are still putting out the question, where is my Federal Government?

Now I will tell you this. I ran into a young lady that said, where is my Federal Government? And she was, you know, had some water and MREs and all of those things. Yes, I can say, look at your hands, there is your Federal Government, but that is not enough in my opinion.

Here is someone that is looking for a process that we should be well practiced in, natural disasters. And I will tell you that being a member of the Homeland Security Committee, and from what I have seen of the performance of the Department, I think we are pretty well trained up on a terrorist event. But I think that natural disasters are still in the rear view mirror and is considered as an afterthought.

I am not totally prepared to say that it is important that we move FEMA outside of the Department of Homeland Security, and that is the reason why we need this commission. We need this commission to make recommendations to us here in this Congress on what we should do, how we should do it, and in a way that it could happen that will not disrupt the relationship between FEMA and the Department of Homeland Security. So that is the reason why we need it.

I will say to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), and now our good friend, the gentleman from Ohio (Mr. RYAN), is here, that the leader said that we should go into special session immediately or come back from recess early, go into session, give FEMA energy funds. No. Then eventually it was yes, 48 hours later.

Said that Under Secretary Director Michael Brown of FEMA should step down because he is not up to par, being able to carry on, not only the future response but the initial response. Several days pass, back and forth. Okay, they sent him back to Washington. Three days later, he resigned.

She has also asked, even though the leadership has said in both House and Senate, the other body, that we should have a committee of House and Senate Members to look at this and have a press conference, just one side on, you know, Republicans there representing, saying that it is a bipartisan, but no subpoena powers, none of the teeth that we need to get down to the bottom of how can we correct it.

I commend the Democratic leader and the Democratic leadership for saying in both the House and other body that we will not participate in such a committee. Because we need to professionalize that. Even though we are professionals here, we need individuals that understand emergency management and recovery. And so that is what that is about, to be able to make sure.

And you know something, if the leadership says, fine, let us put together a commission, the President says, let us put together a commission, I am all for it. But we are wasting time. Because people are saying, well, you know, the Democrats recommended it, and we cannot do it because they are Democrats.

We are Americans, too. And I believe there are some individuals that are on the other side that believe that we should come together in time of 9/11. I think there is an opportunity for us to be able to show Americans that we can lead in a bipartisan way, and I just do not want us to blow that opportunity.

To the gentleman from Ohio (Mr. RYAN), I am so glad that you have joined us here. The gentlewoman and I are from Florida. I mean, it is like we are talking when we were in the State Senate together, because we were a part of helping Florida being able to advance itself as it relates to recovery.

But thank you for joining us.

Mr. RYAN of Ohio. I appreciate you carrying the load a little bit here while I was away.

One of the issues, and I do not think you have touched upon it just yet, is President Bush's decision to repeal the prevailing wage provisions that are normally intact in which anybody who would be working down in that area, the workers who would be down there getting paid, would get paid the prevailing wage of that area.

President Bush has rescinded that requirement; and so now there is talk of people going down there who will be making wages much, much less than the prevailing wage for Federal Government projects that live in that area.

So, in essence, these people who have been hit by the hurricane, who have been moved out to Baton Rouge or Houston or wherever, who want to go back to that community, go back to New Orleans and work, they are not going to earn the same wage that they would have earned had they been there before Katrina hit. And I just think this is kind of symbolic, or one example of what has been happening.

And you talked about some of the corruption. You talked about some of the contracts. This is absolutely ridiculous to tell these people who are trying to reconstruct their lives that they should not be making the prevailing wage of people who live and work in that community.

And, believe me, the money in the South is not that high of a wage. So it is not going to cripple the Government. This is Federal taxpayer money that is going down there. And what is happening is, in many instances, for the

rebuilding effort, and I was having a talk with some of the electrical workers tonight, basically what is happening is the wage is going to be so low it just has to go down to minimum wage.

So you have, say, a union electrician who is going to make \$20 to \$25 an hour. The union wage may be \$25; the prevailing wage may be \$20. So they would make \$20 on a Federal project. Well, if you eliminate and you rescind that regulation, that worker will make \$10 or \$15 an hour, maybe no benefits. It can go all of the way down to the minimum wage.

And what is happening now is that workers are looking at coming in from some of these other foreign countries, from Mexico, from some of these other countries. So the contractors who are getting the unbid contracts are going to start hiring foreign workers to come in for the rebuilding process and paying them a little bit above minimum wage, displacing workers who have lost their family who need to go back and rebuild.

Part of the reconstruction effort should be to try to get a little bit of money in the pockets of those people who want to go back and help rebuild the city. I mean, my goodness, that does not seem like too much to ask. I know many Americans feel like that. Even through a tragedy, and you want to go back, you should be working. Here are these people that want to go and actually work that are having their wages cut, and it just seems to me that is very shortsighted. It is, again, another bend in favor of the contractors, who, you know, have a job to do but not at the expense of everybody else.

You know, from the beginning here, and I am sure you have already touched upon all of the appointments of the members of FEMA in the upper echelon of FEMA, all political appointments, and we all understand that that happens, we are not trying to play dumb here. But give the guy an appointment who is not qualified, give him the ambassadorship to a country that has got a lot of beach front property. That is where you go. You do not put him in charge of FEMA. That is criminal what happened here.

You know, again, I do not how far you got in, but I think the main point from the past few weeks and the review of this was the administration saying, how are we supposed to know the levees were going to break? And we find out that last summer FEMA sponsored a simulation called Hurricane Pam, was the name of the simulation, and it brought a Category 4 or Category 5 hurricane up through New Orleans and what would happen.

Well, in July of 2004, the FEMA simulation said the levees would break, there would be flooding, millions of people displaced, and all of the tragedy that we watched on TV over the past couple of weeks was simulated to happen if New Orleans got hit by a Cat-

egory 4 or Category 5 hurricane. Then for the administration to come out and say how were we supposed to know is so disingenuous.

Then you look at FEMA. It is packed with political hacks, political appointees, an equestrian horse show organizer is supposed to be in charge of the most important emergency management organization in the country. I think it is criminal. I really believe it, and I choose that word specifically.

It is criminal because that shortsighted appointment led to people not getting the kind of treatment, the immediate response that was needed. We have been looking at this for a while now, over the past couple of weeks and have had a chance. You would just think, and I will yield here in a second, your job, what you should expect from your Government is that you pay taxes. And your taxes go, and some get wasted, just like in corporations or anything else. Some of the money gets wasted. But your money goes to FEMA, and you should have an expectation that the Federal Emergency Management Agency should be able to have a person in place that just deals with Hurricanes in the gulf, because there is a hurricane season every year.

So what happens if a hurricane hits New Orleans? We have hundreds of people employed here who make good money from the taxpayers. You have to meet your responsibility. So I feel like the President's appointments hurt.

I think the unbid contracts are continuing the process. The elimination of the prevailing wage is another slap in the face of those people who have been hurt and want to go back and actually work and earn enough money to rebuild their families and their communities.

I think this is continuing to go down the wrong road. I hope that some of what we are talking about here tonight brings that to light, and hopefully we can try to change it.

Listen, we want to work with the administration. We want these people to get help. That is why we are here. We are not here to demagogue. We are not here to beat up any one side or the other. But they are in charge, and they are not making the necessary changes that need to be made. Our constitutional responsibility, people send us here to do this, is to make sure that we keep those people in power in check. They do not seem to be listening, and they do not seem to be following some basic, I think, business procedures that would otherwise be implemented.

Ms. WASSERMAN SCHULTZ. The gentleman is absolutely right on point.

Your comments remind me of a question that our good friend, Doug Lyons from the South Florida Sun Sentinel, who I spoke to this morning, asked me. He said, he asked me if Michael Brown's resignation was enough. He said, now that we have got a successful, documented professional who will be at least, on an interim basis, running FEMA and making sure that the

disaster response to Katrina has an expert in charge, is that enough? You know, can we all breathe a sigh of relief, wipe our hands and go home?

I mean, the answer to that is just so absolutely not. The leader of FEMA is just the tip of the iceberg. I mean, when you ask any expert in emergency preparedness and disaster response if the one leader is the most important chink in the armor, they would of course say, no, it requires planning and preparation and budgeting and foresight and hindsight and a whole combination of expertise and planning that goes into preparedness and response.

□ 2130

So while it certainly was the right thing to do, and we are pleased to see that former Under Secretary Brown now did the right thing and stepped aside, there is so much left to be done. And going forward, while we can talk about what went wrong, we need an independent investigation and an independent commission that will be able to examine objectively so the American people have their confidence restored and that we know we have some competence and some deliberations going on about how we are going to deal with these kind of disasters in the future. We have got to talk about what comes next.

You watch the news every night, and now almost all the TV stations are allowing Katrina victims to list their cell phone numbers on national television because some of them are still looking for their kids. The National Center for Missing and Exploited Children, at least as of yesterday, said there were still 1,700 missing children reported from Katrina's aftermath: 1,700 children, 14 year olds, 12 year olds, 6 year olds, babies. There are babies that are still separated from their parents, from their moms.

We have got to do something going forward for these Katrina victims. We have got to make sure they have housing. We have got to make sure we get these kids back in school and we can get them back in school near or in the area that they originally lived in. And like the gentleman said, with the President's waiver of Davis-Bacon, which is the law that requires the prevailing wage be paid to workers, what incentive is there going to be for them to come back?

When you have the State of Israel, which commendably has offered scholarships for the college students that were displaced by Katrina, and we have Katrina victims going over, Jews and non-Jews going over to Israel now to accept scholarships, and the generosity of other countries, boy, does that say a lot about what we need to do to step up and make these residents whole again. We have got to ensure that a number of different things happen.

This is the 30-something Working Group. We have got a generation of people and young kids and our generation's children that are going to be in

dire need of their government's assistance. And if there is any time when it is imperative that the Federal Government engage, any point with any circumstance that there is an appropriate and vital role for the Federal Government, it is in response to a hurricane.

I am glad to see that the President today acknowledged finally, because it is really the first time I have heard him acknowledge, the possibility of a mistake. I am glad to see that he owned up at least in part to the possibility of there being problems, and it will be interesting to see what he says Thursday night when he speaks to the American people.

I hope what he says, we hope what he says is that there is going to be some drastic changes in our preparedness, in our response, in our funding, and in our priorities, because right now we are moving in the wrong direction.

Mr. RYAN of Ohio. If I may make a couple of points. I agree with the gentlewoman so much and this 30-something Group has really improved since the gentlewoman has gotten here.

I just want to make two points. One is the Davis-Bacon provision, the prevailing wage issue. Davis and Bacon were both Republicans, so this is not a Democratic issue. This is just something that seems to be fair. If Federal money is going to a certain area, they should pay the worker the wage that is prevalent in that area. That is number one.

And, two, and I know we have all talked about this, the disparity in income between those people in this country who have and those people who have not is tremendous. I hope that the good that we can derive from Katrina is that.

And, third, and the most specific point that I want to make, is that this has shown that our government has gone backwards as far as administration and execution; and we see it every day here.

We pass a prescription drug bill that is spending \$700 billion worth of the taxpayers' money and does nothing to allow for reimportation that would drive drug costs down or does not allow the Secretary of Health and Human Services to buy in bulk because the pharmaceutical industry has a stranglehold on this place. We do not see the proper reforms on distribution of health care. We do not see the proper investments in medical information technology that would help drive down the cost of medical care.

We have a school system that is based on a society that is agrarian, and kids are supposed to go home in the summer and work on the farm; and only three or four percent of the country still works in agriculture. These are things that are structural problems. And I think the FEMA issue just shows and highlights and puts the spotlight on it.

It is because there is money, and there is political appointments, and we have got to get our friends in, and we

have so many friends that gave us so much money that we even have to put some in FEMA, which probably should not have political appointments, but we have so many debts that we owe.

I have an uncle that I had a very interesting conversation with and he may be watching right now and I think my aunt is watching for sure who worked for Proctor and Gamble for God knows how many years. And we had a nice conversation one night about how this political body and political decisions are made every 2 years. We run very short-term political decisions that are made. The same in the business community. What are our next quarter profits going to be? Very short sighted. And I think we do not get the country back on the right track until those of us who are in this body are willing to make those long-term structural changes that need to be made to adjust the way government is administered in a 21st-century economy based on technology and knowledge.

That was the issue with FEMA. If we ran a Hurricane Pam situation in 2004, where was the breakdown in getting that information to those people who needed to actually make a decision once there was an actual hurricane in that area? What was the breakdown?

Until our government begins to run in an efficient way and in a way that is reflective of the communication abilities in the 21st century, the technological advancements, and everything else, we are going to be behind the eight ball whether it is FEMA, education, health care, whatever it may be. We have got to start making decisions that have a long-term impact on making our government run more efficiently. It should be able to run a heck of a lot more efficiently than it did in the 1930s and 1940s. And that is our job.

I really believe that the 30-somethings have a responsibility here because we grew up in an age that was much different than most of the people in here grew up in, with computers and technology and cell phones and now the ear pieces and what else is there. But we grew up in that different kind of scene than the echo boomers who are going up now, we have a responsibility to try to apply that technology to government. And I think my friend from Florida wants to be a part of that.

Mr. MEEK of Florida. Mr. Speaker, I always want to be a part of technology, but I can tell my colleagues that I am so glad they brought up the whole issue of Davis-Bacon and what the President did, many Americans did not understand what he did.

We talk about avoiding making the victims victims again. And we want them, and even some prominent Republicans have said, we want them to be able to have first swipe at the jobs that become available. But they will have a first swipe at the jobs at a lower paying rate than usually what the Federal Government provides to individuals carrying out federally funded work.

I think it is also important for us to realize that there are no parameters on

contractors that are down there trying to correct the problems that are there. So that means that the money saved on Davis-Bacon will go into the pockets of those individuals who are direct contractors of the Federal work.

Mr. RYAN of Ohio. Are we not using the same formula, the same administration processes that we used during the war and are using during the war. The same exact ones that we lost billions applying this system or using this system for the war, we are applying the same system now.

Mr. MEEK of Florida. The good thing I like about this 30-something Working Group is we always talk about second- and third-party validators and making sure that folks do not watch us here on the floor and think that we are talking out the sides of our necks. The Wasserman Schultz Report, the Ryan Report, the 30-something Report, the Meek Report. This is reality. The \$62 billion is the largest supplemental appropriations in history of this country outside of war; \$62 billion we did last week or the week before and the rest last week is the largest in history in the United States of America. So we have not been to this point ever.

I think it is also important for folks to understand the difference. Folks say, what is the difference between Democrat and Republican leadership? I will tell you this in the moment, this is fact, not fiction.

I am holding here a letter from the Democratic leader and several other ranking members that I mentioned earlier. Folks wants to know the action. This is not on behalf of Democrats in Mississippi and Louisiana and Alabama. This is on behalf of Americans in those States. We are talking about the commitment to the South. We are talking about commitment to Americans that pay taxes every day, those that are veterans, those that are children of veterans, those that never fought in wars before, those that go to work every day, those individuals that are disabled and cannot go to work. We represent them.

Like it or not, we have to make sure as this Congress, because as the House we are the only branch of this government that must be elected to the position that they are in right now, including the President but the Vice President can very well, I am just saying as it relates to the legislative body, we are the only body that has to be elected by the people.

Mr. RYAN of Ohio. Article I, section 1.

Mr. MEEK of Florida. I thank the gentleman. I am glad he was present in constitutional law.

There is a letter right here to David Walker, the Comptroller General of the United States of America, Government Accountability Office. It is basically saying that we are asking for an anti-fraud commission to make sure that there is accountability in government contracting as it relates to Hurricane Katrina.

This is not just a letter just by the Democratic leader, the gentlewoman from California (Ms. PELOSI). Here we have the gentleman from California (Mr. WAXMAN) who is the ranking member of the Committee on Government Reform. He would be chairman if we were in the majority. We have the Democratic whip, the gentleman from Maryland (Mr. HOYER) who is the number two in charge of our efforts here on the floor. We have the gentleman from Minnesota (Mr. OBERSTAR) who is the ranking member of the Committee on Transportation and Infrastructure. We also have the gentleman from Mississippi (Mr. THOMPSON) who is the ranking member and would be chairman of the Committee on Homeland Security if we were in the majority here.

We have the gentleman from Wisconsin (Mr. OBEY), the ranking member of Committee on Appropriations. We have the gentleman from Michigan (Mr. DINGELL) who was once chairman of the Committee on Energy and Commerce that would be chairman if we were in control. We have the gentleman from California (Mr. GEORGE MILLER) who is also the ranking minority member as it relates to the Committee on Education and the workforce.

They are writing this to make sure that the largest appropriations outside of supplemental appropriations for a war, some \$62 billion are spent in the way that it is supposed to be spent so we do not make the victims victims over again.

I think all Americans, no matter where they may be, east coast, West, Midwest, South, this is their taxpayer money at work. So we know that Davis-Bacon, those rules and regs and that right that workers would have has already been swiped aside by the stroke of a pen, that you will receive a wage lower than any other Federal project that is out there because it has been waived at a time of natural disaster.

Will it save us money to be able to do more projects? No. Will it help the companies down there that are assigned the no-bid contracts, saying do the work, the sky is the limit, do what you do, bill us the way you want to bill?

One of the companies is under investigation right now as it relates to the Iraq contract. But better yet, they are given a contract, go down there, do as you may, we will do the paperwork later. But what we have done from the beginning are parameters on the American worker and those that are in the South.

Let me also add this: today, Democratic leader and also senior House Democrats, again, the list of individuals that are on the committees that are affected, have also requested an immediate establishment of a team of experienced auditors to monitor and also realtime contract and spending of the recovery effort.

This is what we are doing right now. If the majority side has done it, I com-

mend them; but I do not think that is the case now. So when I mentioned earlier on that we need to work in a bipartisan way, if we were working in a bipartisan way, this would not be a question of letters. It would be an issue of action. It would be, good, let us move on that idea. Let us make it happen.

That is the reason I believe that the chairmen, ranking members, and Members of this Congress should take time out and go down to the affected areas and see what is going on down there, and see poor individuals that are staying in New Orleans right now and staying in some of the affected areas in Gulfport, in Hancock County. Some watch TV and say, why do they not leave? Guess what? They cannot afford to leave.

□ 2145

They still today do not have the money to be able to get \$5 worth of gas.

I went down to see the gentleman from Mississippi (Mr. TAYLOR), our colleague, who is down there trying to not only help his constituents be able to receive some sort of Federal assistance or State assistance or trying to put boats back together so they can get back to work; he is a victim himself.

Earlier, I showed a picture of the Florida National Guard that is with us and the Congressman there on the other side of the colonel and myself. This is the Congressman's house, straight off the platform, not a brick left. So you want to talk about individuals being affected and not affected, all of us are touched by this, but we have to make sure that we show some level of leadership right now. This is why it is important that we make these recommendations.

We have Members of Congress that are trying, but we need individuals that are in the leadership that are willing to stand up. And I said it once before, and I will say it again, if we are ruffling feathers here tonight, so be it. Because last week we came to this floor putting great pressure on the administration and those that are in charge that have the pen stroking power to bring about a difference in the South, and we were in the light of saving lives. Now we are in the light of making sure that individuals are able to return back to their homes.

Our business here is very serious, and that not only letter writing but action is important. I think based on the action that has taken us this far, all the way back when we said if we can go in special session on the Schiavo case, if we can bring individuals before Congress and have congressional hearings and have special prosecutors for personal decisions that individuals have made in elected office, if we can come up here for far less, we can at least make sure the largest appropriations outside of the war supplemental, \$62 billion, that it has the oversight, not just because we want to have the gotcha factor. That is a lot of money, a lot of money that has been appro-

priated in a matter of 10 days, rightfully so.

I heard one of the esteemed, very prominent Members on the other side of the aisle, who took to the well right there and said, guess what, in \$50 billion, there is going to be wasteful spending. I had to kind of double take and rub my eyes and say, excuse me, am I sleeping? Am I dreaming?

I have a problem with wasteful spending of \$50 billion, but, guess what, that means a victim will not receive what they should receive, Americans will not get accountability of their taxpayer dollars and that we have accepted the fact that it is okay to waste money. I have got a problem with that, and I know we all do.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if you do not mind if I jump in, I want to just caution people listening tonight, our colleagues, our leadership, because when you have a disaster or anything of the proportion in size that Katrina was, it is hard to get your mind around it, especially if you have not been there. You now have direct, first-person ability to relay and understand the depth of what happened. Most of us have only seen the aftermath on TV.

The danger that we have in front of us is that with every passing day that Katrina's hitting is behind us, we are in danger of the American public and us as leaders becoming desensitized. The more it is on the news, the more we hear about it, the more we read about it, it is just the human psyche is such that you cannot have that raw nerve scratched every day and not steel yourself against it. With that desensitization, we are in danger of not having an appropriate response come out of this body, and we have got to come together.

We come here every week and we stand up and we point out our very clear differences with our friends on the other side of the aisle, but it does not have to be this way with the response to Katrina. There are some specific action items that can and should be done in order to prevent ourselves from becoming desensitized, not just as policy-makers but in the general populace as well.

We need the press. We should commend the press from the floor of this body for the spotlight that they have shown on these victims and their reality because, quite honestly, without that spotlight being shown by them, without their piling into the storm-ravaged area, see no evil, hear no evil, they would still be saying the same thing, and we would not have had the response and reaction that, quite frankly, we should have had right from the beginning.

So I want to commend the press and encourage them to continue to do it, but we have some action items that need to occur.

We need to get these people health care. We need to make sure they have access to Medicaid immediately. We

need to get them food stamp access. We need to make sure that they have access to education and housing and not just far-flung housing all over the country. If you lived in New Orleans, you do not need to resettle yourself permanently in Utah. That is not what we want to have a policy direct these people to. We want to bring them back. We want to set up transitional and then temporary housing and then eventually get them into permanent facilities, whether it is facilities that they have assistance from the Federal Government or whether they be given the ability to help them to make their own purchases of homes, which would be a wonderful thing to see.

That is what the leadership in this Congress is going to need to make happen. It is certainly going to be suggested by our side of the aisle. We need to make sure that we come together and suggest it on both sides of the aisle. The reconciliation process should be suspended. There are a number of things that should happen, and we are going to continue to talk about that.

Mr. MEEK of Florida. Mr. Speaker, I am sorry, we usually would have a closing statement here, but our time has run out. We will have, I understand, the first Democratic hour on Thursday.

Mr. Speaker, with that, we would like to thank the Democratic leader for allowing the 30 Something Working Group to come to the floor, and it was an honor to address the House once again.

RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to have the opportunity to address the Speaker before this House.

This Nation has undergone the most serious natural disaster, the most costly natural disaster. Possibly not in the measure of lives but in the measure of treasure, it certainly has, and we pray for the recovery of those victims that are yet to be found. We pray that that number can stay as low as possible, and we know that, regardless of the number, each loss of life hurts and pains each family deeply.

This Congress has addressed Hurricane Katrina, done so quickly. We had a unanimous consent agreement after a conference call on Friday after the storm struck in its fury and the wind began to die down on Monday, the previous Monday. We appropriated \$10.5 billion, Mr. Speaker, and we did so under a unanimous consent agreement. We did that because we knew that we needed to get resources into the hands of the people who were saving lives, lifting people off of rooftops and pulling people out of houses and bringing

boats down through the communities, and we needed to make sure that the resources were there.

We needed to make sure that there was food, there was water, there was shelter, and this Nation watched on television as the disasters that were there brought people together in the Superdome, in the convention center, other locations around New Orleans, other locations around Alabama, Mississippi and, of course, other places in Louisiana.

This Nation has watched transfixed as we reacted and we deployed resources into the region and began to recover from this disaster. Each of us have different opinions about what was done right and what was done wrong, but Mr. Speaker, my position is that we are not done saving people. We are not done helping people get relocated. We are not done helping their lives get put back together, and they are not finished building for their future. Once that path is determined and once they start down that path and once we can see that we put a plan together that is going to help people get relocated, and at least in the short- and mid-term future, we will have seen to the needs of the many, many needy, then that will be time enough and plenty time enough for us to meet together in this Congress and to put together a chronological order of what happened, who knew what, why did they know it, what they did not know and why, what communications did they have, what decisions were made that impacted on the rescue operations and the recovery operations. What did they know and when did they know it, Mr. Speaker, is one way to ask that question and what did we learn from this disaster.

Time will come and that will be soon enough, and perhaps in this hour I will go back and talk about how I think we should put together the system here in Congress to take a good look at this, but, right now, we are recovering from this disaster.

Congress appropriated \$10.5 billion that Friday following the storm, and it was emergency spending. It was a special session, emergency spending money, \$10.5 billion. Our report was that FEMA was spending \$500 million a day. By the end of that day, the report was \$750 million a day. So that was a calculus to get us through Labor Day weekend, appropriate \$10.5 billion.

I asked for an accounting of that spending. It did not come early in the week. It did come later in the week, and the accounting came with the request for another \$51.8 billion, and the calculus for the \$51.8 billion was not readily available to us. The answer was simply we know we are going to spend more than another \$50 billion, so let us appropriate it.

So this Congress laid out a blank check, and in that appropriation there was a single line item. First, there was \$1.8 billion in there for the Department of Defense, and they spent a lot of money down there and poured a lot of

resources in. That is fine, but I believe the largest single line item ever passed in this Congress and appropriated without strings attached, without guidelines, without congressional direction was the \$50 billion that went to FEMA.

I asked for an accounting of that money. I wanted to know, first, how was FEMA spending, and now the number went from \$500 million a day to \$750 million a day to \$2 billion a day, and where was that money going. I happen to think in those terms of unit prices, how many meals, how much water, how much ice, how much fuel, how many rental units, how many people are on payroll, how many contractors are coming in that are contractors that are being paid, how do these contracts all add up, how does it divide out, how does it average out.

I thought it would be something that would be a calculation that one could track, and when I did get a look at those numbers, it had \$3.3 billion there for 200,000 trailer houses, 30,000 of which were available and 170,000 of which were back-ordered. So it is hard to define that \$3.3 billion as emergency spending when you spend the money to purchase a contract for future construction of trailer houses not available, and I say that is not emergency spending.

In addition, in the \$50 billion that came for the second appropriation there was another 100,000 trailer houses in there for the tune of \$1.6 billion. So now FEMA has had the authority apparently to purchase 300,000 trailer houses for the cost of \$4.9 billion, \$400 million of it will go for the 30,000 trailers, and that is rough numbers. Those trailers are available, but 270,000 trailers are back-ordered for a cost of about \$4.5 billion, declared and deemed to be emergency spending, the kind of thing that is going to help save lives, recover people, and, in fact, it took resources away that could have been better used in the recovery process.

In addition, in that appropriation there was \$650 million that was declared to be emergency spending, dedicated to mitigation of future disasters. Mitigation of future disasters cannot be characterized as emergency spending and cannot be characterized as something that helps disaster victims today in the gulf coast. It is money that could have gone to help people, but it is pigeon-holed. It is earmarked, and it is committed to other projects. We do not know what they are. Congress was not apprised of that, and yet we have an oversight responsibility.

All appropriations must start in this House of Representatives, Mr. Speaker, and those appropriations then flow through here over to the Senate and from the Senate then probably back, not often back to conference but to the President.

We start the appropriations process. The Founders were very clear in our responsibility and our duty here. You cannot spend money without the House of Representatives initiating this, and

the House of Representatives approved one single line item, \$50 billion.

I simply asked that we cut that down and appropriate \$10 billion for the second week. It got us through the first week of intensity. The second week should have done the same. In fact, it would have nearly met the \$2 billion a day that FEMA said they were spending, but we could not bring that up in those increments because the Senate was busy with their confirmation of Justice Roberts and did not want to be bothered to walk out of the Senate judiciary chambers to vote yea or nay on a \$10 billion package that could have passed the Senate under a unanimous consent because, in fact, not a single Senator stood up against the \$50 billion anyway.

□ 2200

So that did not hold very much sway with me from a rational perspective, Mr. Speaker, and so I voted "no" on this appropriations process. Because although I want to help people, we have an obligation for oversight and there was none; and, furthermore, we have an obligation to devise a plan, and there is none. Now, it does not mean there is not a plan to reach out and help people and that the system is not working. It is, Mr. Speaker. So I do not want the wrong implications to get in there.

But maybe you have heard the story about how the fellow went in to drain the swamp and he found himself up to his ears in alligators and it took his mind off of draining the swamp. That is kind of what happened down there in New Orleans. Everybody is so busy fighting off the alligators that the overall plan that needs to come into play to take care of the billions of dollars that likely will be coming from the taxpayers of this country has not been put in place, it has not been articulated, or it has not even been speculated to this Congress in any large way. And it is our job.

If there is no plan that comes to us that we can support, it is our job to devise a plan that we can support. In fact, it is our job to consider many, many alternatives and put our best foot forward, our best brains forward and husband the resources. We need to do the wise thing, the right thing, and position New Orleans, the gulf coast, for the long term, the best long term for this entire country, Mr. Speaker.

So after that vote, as I asked questions and tried to get answers, I think really it was just there were not answers out there. Everybody was busy working to save people, and they should have been; but there was not an eye on what are we going to do with 300,000 trailer houses when or if they ever get built and where will they go. Will they go 100 miles north of New Orleans, up someplace maybe north of Baton Rouge where it gets a little higher ground? Will they go in there and trench in water lines and lay in sewer lines and build a sewer plant and bring in electricity and put in elec-

trical lines and put in streets and driveways and set these trailer houses in there row after row after row?

Imagine how big a trailer court it would be if it had 10,000 trailers in it. Now think of 100,000. And even though they probably will not all go in the same place, think in terms of 100,000 trailers all rowed up. Now think in terms of another hurricane, a windstorm. What happens? Do people want to live in those trailers in perpetuity? And I will say, no, not very many.

And what is the life expectancy of a trailer when we put \$4.9 billion into 300,000 trailers, and many months from now the last trailer is built? Maybe even more than a year from now the last trailer is built and wheeled into site. Where are the people going to be that will come to move into those? The displaced people will have found a place by then.

So I contend, Mr. Speaker, that that is not a solution. It is not a wise solution. It is a distraction from the solution. It has happened without deliberation and without debate. It was an administrative decision, and I have not found the individual that will stand up and say, yes, that was my idea, I liked it, and we are going to stick with it. No, there is not an answer on that, Mr. Speaker, because the public knows at least intuitively that that is not a long-term solution. In fact, it is not a short-term solution. The trailers are back ordered, Mr. Speaker.

So as I watched this unfold and had my difficulty in getting answers, I began working the phones last Thursday. I had two staff people that worked diligently into the night on Thursday and started again on Friday and worked until 11:30 at night on Friday night trying to come up with contact numbers so I could make a phone call and talk to a few of the people that were in the region down in the gulf coast that could give me some of the answers and what the real plans were, if there are any; what kind of definitive answers and responses could we get.

We were not able to make contact in any meaningful way; and so along about Saturday, in fact about half time at the Iowa State-Iowa game, I made a decision to jump on a plane in Ames. I left at the end of the third quarter. It was hard to do, but Iowa State was ahead 23 to 3 at the time, so I went down to the airport, jumped aboard a little Bonanza airplane, a little single-engine, and we flew our way towards New Orleans.

We stopped in Little Rock that night and stayed out of the area. There was not a room to be had anywhere in that close region from Baton Rouge on south. In fact, even north of Baton Rouge. So we stayed in Little Rock, and then went back in the air at 5:15 in the morning and flew on into New Orleans and landed there about 7:26 a.m. Sunday morning. There was no commercial traffic going in or out of the airport. There were military air flights that were going in and helicopters

moving around, but not the real intensity that you might expect to see, and I found out why.

We pulled up there to the flight service, and they looked out and came out to greet us. Real fine folks there. They were very friendly and kind of wondered what we were doing there; and we said, well, we came down here to take a look and see what is going on. They said, well, we do not see too many people coming in here like that. So we walked into their office and they said, well, did you have something to eat? Here is some ice water, here is a little pop. We have a little food here. Here are some MREs, some meals ready to eat.

Those MREs seem to be everywhere in that city. Every time you turn around, there is another boxful of meals ready to eat. That tells you they have been getting resources out for quite some time. Everywhere you go there is cans of water and bottles of water, and sometimes iced-down pop and food sitting around. It is not always the finest cuisine, but it is nutrition just the same.

So we had our conversation there and picked up the phone and called across to the military headquarters where the central command is that is planning and taking care and managing the disaster relief that is going on, and I told them I had just flown in in the morning and wanted to come over and talk to their commanding officer and get a sense of what was going on there. So they sent a car over right away to pick me up and brought me over to headquarters, and we had a good chat there for a while and a briefing on the maps on where the water was.

In fact, I happened to recall that on the back side of this picture there is a map, Mr. Speaker. This is the map of New Orleans; and as it sits here, it is color coded according to the depth of the water. This is Lake Pontchartrain here, and there is some high ground up along the edge of the Lake. But once it gets over the levee, it goes too deep, and the brown is 9 to 16 feet of water. Now, this is after the flood. And then it goes to orange, and you can see the brown; the deepest areas would be right in here and here.

This is the 17th Street Canal, I believe, right in there. And then there are two other canals that caused a problem. I believe this one had about three breaches in it about there. This one up here and this way started flowing water down into New Orleans.

But the depth of this water, the dark brown, up to 16 feet deep, 9 to 16; and the orange, you can see in some of these areas here and here, 6 to 9 feet deep; and then in the green areas, the water was 4 to 6 feet deep; and then the blue gets a little more shallow, 2 to 4 feet deep; and the turquoise, or the lavender, about 0 to 2 feet deep. There were some deeper areas in here this far, as you can see; but this huge area out here was all water inside this shipping canal, here and inside the Mississippi

River dikes and all around this way. So this is the bowl. This is the bottom of the bowl, Mr. Speaker; and this is the area where the people suffered the most.

Listening to the briefing there, I want to say a few good words about the people that are on the front lines that have been working relentlessly for, I have lost track of the days now, 14, 15, 16 days. Maybe it is 16 or more days. Some of those people have worked 20 hours a day, some longer than that. Some did not leave duty and just nodded off a little in between from one crisis to another.

As I began to walk around up there in their operations center and talking to different officers and talking to different people that were there, I began to find out a lot about what they had been doing. The 82nd Airborne is the military unit that is taking care of the communications there. In fact, simply because of the service that they have provided and the communications system they set up, they finally linked together the rest of the agencies, the nongovernmental organizations and the Federal agencies that are there, linked them together in a communications system. And now, I believe that they meet every day at least once a day for a joint meeting where they all sit in the room. And they are all in that room, by the way, talking to people next to them and exchanging information. Instead of sending a message back to Washington, DC, and waiting for an answer in an e-mail or on a cell phone, they are right there with the people looking them in the eye. If they need a meeting, they can have that meeting on the spot.

And I will tell you from my trips over into other parts of the world, particularly three trips into Iraq, that if there is any organization in the world that has an ability to bring order out of chaos, it is our United States military. And when we look at a natural disaster of this magnitude, this unprecedented magnitude, we see that it was difficult to get resources in there. It was difficult to coordinate those resources. From this same microphone, I believe it was the Secretary of Homeland Security, Michael Chertoff, gave a good explanation of what happened in this hurricane/flood that was Katrina, and it was this:

If you were going to do a military assault on a city, the first thing you would do would be to go in and cut off the power and the communications, which Hurricane Katrina did. The wind took out the power lines. The wind took out some of the cell phone towers. It took out the ability to make telephone calls. It took out the ability to turn on the lights and run anything. It shut down the communications. This city was shut down. No lights, no power, no telephones. Well, sporadic cell phone service that finally just sputtered and died out. That went on.

That is the first operation you would do, would be to wipe out the commu-

nications and the power. The second thing you would do would be to cut off all the transportation routes to the city, which this flood did. Sometimes it just took out the access, or flooded the access to the bridges; and sometimes it took out, I believe it was Highway 10, where it blew parts of that out and dropped it right down into the water. But it shut down the transportation routes in and out of New Orleans.

That is the second thing you would do in a military operation. First, shut off power, communications, and then cut off transportation, or access to the city. And then the third thing you would do after you immobilized the city would be to attack, and that is what the flood did. This flood poured over the dike through the 17th Street Canal, through this other canal, and then filled this deep bowl up here with up to 16 feet of water in these areas and drifting on out to this perimeter along this way.

While that was going on, we had people that knew that there was a problem brewing. They knew the bowl was starting to fill, but they could not get over here to see how much water was coming in because there just was no transportation access to do that. So they could only speculate. And if you cannot see the water pouring in, you cannot tell how much water is coming in. You can have some degree of knowledge as to how fast it is; but when the power is out and it is at night, you cannot really tell what is going on.

On top of that, as I had my conversations with the people over there, I found out that on Monday afternoon, by 3:30, there were looters out then, in force, in gangs, with guns, already stealing, already looting, and taking shots that were keeping our rescue people from going in.

Now, when you think about going in in a boat in a swamp in an urban environment, we do not have any military trained to do that. We have never envisioned that kind of warfare, with a flooded city where you go in with a John boat and float on in there and try to rescue people while under fire. That is not part of what we have experience with or anything we have ever imagined. So the gangs intimidated, the shots were fired, and they kept the rescue operations and some of the recovery operations from going in and seeing what was going on and being able to identify this problem.

Meanwhile, New Orleans is filling with water, and it filled beyond any level it had ever been at before. Now you had the perfect storm. And I could talk about the weather forces that brought that out, and I think what I would do is just to give the quickest of answers. Most people, I think, Mr. Speaker, have watched this on television, and it was almost a perfect storm from the standpoint of where the eye of the hurricane was, how the wind drove and the counterclockwise spinning of the hurricane, where it sat over

here to the east, or to the right of New Orleans, slightly to the right of New Orleans.

That wind that came from the south and up in here in the outlet of Lake Pontchartrain off of the open gulf here drove water up into Lake Pontchartrain, a lake that is maybe 8 to 15 feet deep; but it is a huge lake. And it pushed so much water up into this lake that there was half again more water than there was before the storm. Eight to 10 feet more water in this lake driven by the low pressure center, which actually lifts water up that is in the center of a hurricane.

And then driven by 150 or more velocity winds, pushed that water in and shoved an extra 10 feet up into Lake Pontchartrain, and then stacking that water over here on the north side.

And when the hurricane moved further to the east, this counterclockwise motion turned that wind around from the south, southeast, where it was driving the water into Lake Pontchartrain, and brought it over to the top; and it was coming now down from the north. And you had 10 feet of water pouring down here with 8 to 10 feet of waves on top of it, and all that surge and splash went right up against here and breached the levee for the 17th Street, here and I believe there.

□ 2215

So it was the perfect storm, but it was a perfect storm that was predicted. It was actually predicted in *The Times Picayune* newspaper in late 2002, if I have my dates right. I have read all of the articles. It is extraordinarily informative. There is one that says, "Worst Case Scenario." What I have just described was the worst case scenario.

But, nonetheless, I sat in on that briefing, engaged in that briefing, gave a little talk to the people there working, giving their hearts out for the people in the gulf coast region. They are proud of the work that they do. They are humble people with an inner pride. As I stood and looked them in the eye, I could feel that commitment to Americans, dedication to Americans, all of us pulling together. People from all over the United States came down to work in the gulf coast region to provide relief as fast as they possibly could. They gave their all.

The airport in New Orleans, the Louis Armstrong International Airport, was separated into several different areas. One concourse was a hospital and triage area. There were two other areas for the victims of the flood, the future evacuees. And then the troops and the rescue workers, they would find any place they could to sleep. Sometimes there would be room. Sometimes it was a corner, if they slept at all.

They went to work. They went to work to save lives. They peaked out there on one of these days at the rate of 10,000 lives a day being pulled out of New Orleans through the operations there at the airport.

We know that the Coast Guard saved a high number. The last number I heard was 9,000. I expect it is more than that.

The numbers of people now in shelters has been diminishing significantly. There is a steady rotation of people coming through. As flood victims, they are still giving up. Some people like to stay in their homes. They are realizing this is going to be a long time, so they are starting to come out. As they come out, there are people being placed in Louisiana, Mississippi and Alabama and further up in the United States.

I am happy to say that the Fifth Congressional District of Iowa has welcomed some victims of Hurricane Katrina. All of us are reaching out. What we are seeking to do in the Fifth District of Iowa is ask the county seat mayors to conduct a meeting. Many had those meetings, bring with them and ask to sit at the table the county emergency manager, the pastoral groups, representatives of the churches within the county, the school administrators and the top employers in the counties so we can get a sense of what jobs are available.

What we want to do and are positioning ourselves, I call it the tour guide technique. I want to make sure that we have a household that is identified that is ready to receive a family. I want to make sure there is a place in the school for the children that might come. I want to make sure that house is ready, and the people know when they pull into town, whether on a bus or plane, they get off of their transportation, whichever mode it is, there would stand the mayor with a smile and a handshake and welcome them to the city. Also next to him would be a pastor of the faith of their choice, if they had a choice, and next to him or her would be a sponsoring family that will help them get acclimated to the community and any other resources they might need. We will help with job placement and interviews. That is happening all over this country.

I would like it to be one-stop shopping within the county and determine how many families we can take within each county and set up that system so people do not go off into the unknown.

The evacuees have lived in that region all of their life, and now they have to do something different. There is no housing available near New Orleans. Baton Rouge is full. There are no hotel rooms anywhere there.

I had the privilege of using a Red Cross cot the night before last. They gave me a little place in the corner to lay down and sleep, and I am grateful for their hospitality.

What I saw in that first day after the briefing, I hitched a ride in a helicopter. I flew around the city, a couple of laps around the Superdome and over along the top of Lake Pontchartrain, back around here, and there is another region that is outside of the picture. That entire levee dike is gone. They do not have any protection from the Gulf of Mexico from this way.

We flew all of the way down here on the other side of the Mississippi River. Right here is the Corps of Engineers' headquarters where they weathered the storm right here on the banks of the Mississippi River. Right across from them is the grain handling terminals. I believe that is the largest one on the river. It appears there is not structural damage, and we have heard reports there is a fair opportunity within the next couple of weeks to see grain shipments get up near its previous volume that it had.

We looked over this entire city and flew over the water and wind damage. Some places outside of the water you will see wind damage where it wiped out block after block, some houses into kindling. You can see where the footings were of the houses and the square spots. The numbers of devastation was by far the worst. In New Orleans the people suffered the worst, but it is not the worst place for damage, though.

After the morning of traveling around and looking at New Orleans from the air and getting a sense of how this water sits here and how bad this damage is, then I went over to the Corps of Engineers and had a long and significant conversation with the colonel who was on duty during the flood, who was also in command at the Corps of Engineers the day I was there.

He talked about the flood event and talked about the difficulties they had, and he talked about the hydrology. And since that is my background, doing drainage work and river channelization, we are always looking for ways to manage water in an efficient fashion. It is an interest in my life. It is a background in my profession. Because of that, I feel an obligation to understand New Orleans, and I think I do, at least in the broader text.

I cannot say I have enough information to say that I understand the details yet, and I do not think anyone does. But I have most of these elevations memorized and committed to memory and most of the elevations along these levee district canals, so I have a sense what happens when the water goes up. We call it stacked water in Iowa, and they call it a surge down there. But I have a sense of how this all fits together, and where the pump stations are. They are scattered all over, and the Corps of Engineers had to go in and use their portable pumps to go in and pump down around them to work, renovate them, and get those pumps up and going again. That has been extraordinary work.

As I listen to the volume of water that they are pumping and their prediction on where they would get, and knock on wood they got where they hope to be since I was there some time yesterday afternoon, but their prediction was within 36 hours they would have another three pump stations up online. If that happened, and they cautioned there are no guarantees in the flood recovery business, and I have been through my own floods, especially

1993, but if those pumps came online, there would be 27,000 cubic feet per second pumped out of this bowl that is New Orleans.

I do not have the elevations on how far below sea level that is, except the water was 16 feet deep in the deepest parts. That indicates at least to some degree how far below sea level that is. The pumping that is going on at 27,000 cubic feet per second, and my recollection is that the Missouri River in the central part of the United States in Yankton, South Dakota, releases about 11,000 cubic feet per second during the winter time, the nonbarge season. I know how that river flows at 11,000 cubic feet per second, and those numbers would indicate that the Corps of Engineers and the city pumps for New Orleans are pumping not quite two and a half times the flow that comes down the Missouri River past Sioux City, Iowa. That is a tremendous amount of water.

They will get ahead of this water. I believe they set a date of October 8. Lord willing and if the creek does not rise and it does not rain, they should get the water pumped out of New Orleans by about October 8. Given the volume, that is an extraordinary accomplishment. All of the lives that have been saved and all the people that have been lifted out are also an extraordinary accomplishment.

The time will come to learn from what we have done here, but it is too early to point the finger of blame. It is too early to come in and say some people did not try hard enough because they had a bias. That is just utterly wrong. There is no division between Americans when it comes to a crisis. We look at each other and we see Americans, and that is as far as it goes.

After the briefing at the Corps of Engineers, I hitched a ride on a different helicopter and went from there on down the Mississippi River. The Mississippi River dumps into the Gulf of Mexico about 90 miles south of New Orleans. Today, there is some question whether it is 90 miles south or 75 miles south. The Gulf of Mexico has invaded and come upstream a ways. That is an indistinct line today because of the storm.

We flew along the Mississippi River, and along that river there are two dikes. There is a river dike. This would be well south of here, south all of the way down to the Gulf of Mexico, that 75 to 90 miles. There is a river dike that is approximately 25 feet above sea level. That was built by the Corps of Engineers to protect the boats for shipping up and down. The shipping was moving the day before yesterday, and there was a lot of traffic in the river. I could see it accelerating as the day went on. That dike was on one side.

Approximately a half mile to the west is another dike, and that dike is approximately the same elevation. I do not know what elevation it is. It appears to be about the same given where the water stands, and that protects the

other side of the dike and about that half mile wide strip in the middle from the surge and the storms and the hurricanes from the gulf.

So you have a strip of land between two dikes, a dike on either side about 25 feet above sea level, half a mile wide strip in the middle, with a highway down the top of one of them. People think they have protection from the levees. They think, I have a levee on the front side, on the river and on the gulf side, and so how could you be more safe than down here in between them.

Mr. Speaker, there is community after community along that 75- or 80-mile stretch; and these communities do not look to have been very big. They look like there were approximately 300 people here, 700 people there, typical small communities in that flat-bottom ground, a little farming going on and not any big volume. Every once in awhile there is an oil refinery, and at one location there was a heliport to service the oil platforms out in the gulf.

As we flew along that, and, remember, I had been desensitized by about 2 hours in the air over New Orleans, I looked at where trees were down, houses flooded up to the roof tops, roof tops with holes chopped in them that people had climbed through, and after seeing that for a couple of hours, you get desensitized. But as we went south along the Mississippi River, I found that the desensitization that had taken place and the numbness that sets in after seeing all of that destruction did not condition me for the condition of that strip of land between those two dikes.

That is some of the most utter destruction that I have ever seen in my life, and it is the longest expanse I have ever seen. As you watched that, I began to piece together what happened. Down there, there were homes from an entire community that were just blown away. Sometimes the buildings were just shattered, and there would be just kindling stacked up against the dikes with all kinds of trash, boards and jugs, you name it. But entire communities were just plain footings there for the houses. Maybe a flat concrete pad was there. Community after community was like that. Sometimes there would be a church or school left standing. In one town, part of the school was left standing, but next to the school the water tower was blown down, crashed, bent, destroyed.

□ 2230

And I have seen some destruction in my life, and I have seen power antennas, towers go down. I saw telephone poles that were blown clear out of the ground. But I have never seen a water tower pushed down by the force of nature in my life. But that water tower went down. And we got a picture of the water tower, and I did not commit the name of the community to memory, but I can go back and look at that. And a number of those communities took

similar devastation, but all of the rest of the water towers stuck together. That went down.

There was one family location, and I think this is a time to look at a representative example, Mr. Speaker. This is a building location, and it appears to be a dwelling; but it may have been a dwelling and a shop. This is steel piling that has been driven down into the ground so that it can withstand hurricane-force winds. Hurricane-force winds, at least Category 4½ or so, blew that sheet metal clear on through the building, stripped it down just to the I-beams that were driven to the ground. And the rubble that is laying around, there is no such thing as a representative sample. It is just everything was its unique piece of disaster, and pieces of property of the family were scattered all over; but there was this time, who knows, hundreds of thousands all over in that region.

There is no way, Mr. Speaker, that anyone can get a handle on the scope of this disaster without having flown over the region in its entirety, got down and talked to the people in the shelters and spent some time there, and I did not get to spend enough time there, and then go out on the ground and walk among this kind of disaster. But one of these places, very near where the water tower was blown down, there was a set of buildings that looked something like this. They were all shredded into this unrecognizable gnarly metal mass, and a flagpole had survived. There is no way that a flag would survive like this; but the flagpole, I guarantee it had been bent severely, but it had survived.

And this poor fellow who did not have anything except a mass and the mess he cleaned up did not have value, had not started that project yet. He had to come in there on a boat, and he had to go over to that flagpole and he ran Old Glory up to the tip of that flagpole, and there it flew in all its glory. And I can tell my colleagues it catches our eye, Mr. Speaker, when we see something like that, that sign of patriotism, that sign of defiance, that sign of determination that says, Katrina, you did not get to me. This might slow me down a little bit. It is a bump in the road, and, in fact, it is a pretty severe bump in the road, but you cannot break people's spirit that is as strong as these people's spirit is. And I saw that spirit in the floods in 1993 when we had those in Iowa when people pulled together, and I see this spirit down in the gulf coast today, Mr. Speaker.

So as we flew over that disaster, we began to see piece after piece of costly damage by that storm. The water had surged up the Mississippi River. The wind and the low pressure had sucked the water up, and the wind had driven it up the Mississippi River. And when we think about a river that has got 25-foot high levees on either side, to push that up that high and have that splash up and over the top of the levee, and in a lot of cases the levee held, but the water spilled over the top but did not breach it.

In that surge it lifted up grain barges; then put them up on the dry, some of them as high as clear at the top of the dike. And there is one tow there that I happened to notice, a tow being, Mr. Speaker, that when one ties a bunch of barges together, whatever size that is that they go down the river with, that is called a tow. And for us in the upper part of the Mississippi River, about 15 barges is a pretty good tow.

Down there 40 is not too many, but I happened to see one that had 30 barges in the tow; and of the 30, 25 of them were still tied together. The other five barges had gone off somewhere, and some had been pushed up on the dry. A couple were capsized, I could see. Some of them turned over on their side. But 25 of the 30-barge tow were all lifted up off the surface of that water. The water actually lifted them and floated them up and set them up on the bank, 25 barge tows all still tied together, all sitting up on the high and dry.

Ships that were just pushed together and shattered; shrimp boats by the dozen, 15 of them in one cluster just shoved up against the levee, tipped over. Some completely capsized, a lot of them on their sides. There was one company, I think it would be a single company, that had what I call tender boats, and these boats were painted yellow and blue. They were all painted the same. They had nine of them that I could find, and who knows if there were others that might have been sunk or blown out to sea; but these boats are, I am going to guess, 75 or more feet long, maybe as much as 90 feet long; and I expect they are the kind that go out to lift the catch off of the smaller shrimper boats that were stacked up all along the levee, and most of them were destroyed.

But these tender boats, these larger ones, the yellow and blue ones, of the nine that I counted the day before yesterday, Mr. Speaker, there were two of them that were sitting side by side right on top of the levee, right dead center in the highway, one in one lane and one in the other lane, tied side by side 25 feet above the water. That storm surge had lifted them up and set them in the middle of the dike. And the other seven identical boats were all apparently tied together so that they would ride out the storm better, and they apparently stayed together.

But of those, three were floating in the channel and four of them were up on the dry. So of the nine, six were up on the dry, two of them in the middle of the highway up on top of the levee, and four of them sitting up, I suppose, 10 or 12 feet above the water level. We take somebody's lifetime work and lifetime dream and see something like that happen to it, yes, they can put it all back and they can recover; but the magnitude, the awe, the power of this storm was, again, beyond a person's ability to comprehend unless we go down there and look at that and study it.

But the water surged up the Mississippi and floated barges out on top

of the dike and took ocean-going vessels and put them up on the dry, large ones; and that was powerful. The wind blew so hard that it just blew all of the buildings over and stacked them up against the levee on the other side, shattered them, and took tree after tree. And the trees that stood, the leaves were blown off of them. They stood there with just branches, and a lot of times the branches were not broken so much as the velocity of the wind just plucked the leaves off and left a forest there that looked like December in Iowa, not September in Louisiana. So, Mr. Speaker, it was a disaster beyond my ability to understand the scope of it until I went and took a look.

By the way, that surge in the Mississippi River that floated things up over the levee, a surge also came back from the gulf side that did nearly the same thing or maybe even equal to the same thing from the gulf side. So they had water from both sides, a surge as high as 27 or more feet; and that water came so fast that actually last night I talked to a shrimper there in northeastern New Orleans who had five boats, three of which were up on the dry and mostly destroyed, and two of them survived. They were on the west of New Orleans. And he said that he had a friend that was in his house when that surge of water came, that wall of water came; and it was approximately 3 minutes from the time the water started to rise until he had to have a hole cut in his roof to get out through the attic when the water raised that fast. Only 3 minutes to get ready for that kind of a disaster because of that low pressure center and that push of that wind, Mr. Speaker. It was an awesome thing, and the scope of this disaster is also quite awesome.

Then after we came back from there, I went over to the Red Cross headquarters, their center, and in that center I walked around and talked to some people, looked at the resources that they had. And it was very well presented by the Red Cross people. I know some of them. In fact, I ran into six Iowans down there that were hard at work, saving lives and helping people and doing so in a very friendly and warm way. I do think we can be proud of these rescue workers. They are working 20, 21 hours a day. Some of them snapped. Some of them pushed themselves to the point where they snapped, and they have got to be taken off duty for a day or so; otherwise they will not be good for the rest of this disaster.

So, Mr. Speaker, I borrowed a cot from the Red Cross and laid down and got a little sleep. The next day was not a day to look at disaster from the air as I did here on the first day; but it was a day to go visit the centers, a day to visit the people, a day to have conversations with them and get a feel for what they had gone through. And as I walked through the gymnasiums that are the shelters for the victims of the

hurricane, I talked to a number of the victims there, and found one that would like to come and be a truck driver, and he had a commercial driver's license. I think we can help a person like that. We carried some communications for some other people that were having a little trouble getting their communications out. I talked to people that were serving in the Red Cross center from places like Michigan, Ohio, I mentioned Iowa, Minnesota, California.

And I want to say a kind word about Californians. According to their measure or some report's measure, perhaps more than 50 percent of the Red Cross workers at least in that region are from California, and that is an opportunity to say a word about that kind of an effort that is coming out of that State. There are California people all over helping people from Louisiana, Mississippi, Alabama.

The military took some criticism, Mr. Speaker, because it was alleged that they reacted late. But yesterday when I was in Slidell, Louisiana, and that is a town right near the Mississippi border, one of the guards in the shelter there was walking through, and I stopped to talk to him. I remember his name. He is Specialist Cunningham. He was part of the 311th Signal Battalion out of Mobile, Alabama; and I asked him when he came into the storm zone. And he said, Sir, we took off on Monday afternoon.

I said, How did you do that?

He said, Well, we came across Mississippi, coming to the west, and some of those places we could not get through the road. So they used chainsaws. They used Humvees. They used chains. They pulled trees out of the way. They cut their way through. In fact, General Myers announced to us that was how the National Guard got in. They chainsawed their way in. I met a specialist from the 311th Signal Battalion out of Mobile, Alabama that actually did that. And as I listened to him talk and the 300 people that are part of that battalion, that is the kind of heroism that did not just quite make it to the mainstream news media.

And when we look at an area that is 93,000 square miles, the size of Kansas, and we have a mainstream media that is concentrating on looking for the story, looking for the hot spot, trying to find someone that will step up in front of the camera and utter a complaint about the service that they are not getting, that is one element of this, and I will not deny that some of that exists; but there is a whole huge other element out there in 89,000 square miles of that 90,000 square miles where we have thousands and thousands of heroes, thousands and thousands of stoic victims of this storm, and thousands and thousands of people whose lives will never be the same, Mr. Speaker.

So as I met with them and listened to them, it reminded me of the times when I had seen lives shattered in other natural disasters, in particular

our 1993 flood, and that touches a nerve and touches a cord with me because of my own personal experience with that storm, and I will save that for another time, Mr. Speaker, on my particular experience in the 1993 flood. But I believe that was the force that motivated me to go down there. That was the force that caused me to want to see this entire thing.

So after meeting with the victims and the future evacuees and having a conversation around there with the people working in the shelter, seeing the resources that they had, the organization that they had, the dedication that they had, they need a few more cots and they need a few more nurses and they are squeaking by and they are able to provide, but it is an uplifting thing to see a look in the eye of people who are fulfilling a sense of mission, a sense of duty, a duty to their country, duty to their faith; and it gives everyone strength to be around the kind of people that will commit themselves in that fashion.

Later on in the day I took a drive down into some of the worst damage, and that would be down along a levee that goes into actually northeast of the outlet of Lake Pontchartrain, south of Slidell. And down in there there are homes on the both sides of the levee. One might go for a half mile or a mile and not see a home intact, not see anything but the stubs of pilings where homes were where all of them had been blown away. And that disaster was so bad that we see the rare exception when there was a building that was held together that was intact.

I walked through there and looked at some of the things that I found, and some of the things that we see bring it home. They bring home what kind of suffering there is, and some of it is symbolism, Mr. Speaker, but I do have a picture here that shows some kind of symbol that these are real people.

□ 2245

This caught my eye, Mr. Speaker. This would have been an anniversary gift that was given, probably from husband to wife. It has two doves on the top, and it says, "Happy Anniversary," and it is laying in the rubble, just like that, that is untouched; I just walked up, and this was yesterday afternoon late, and I took this picture. I noticed that one of the doves is still in tact here on top of this material, but one of the doves is broken and laying here. When I saw that, I had to ask myself the question, do we know if a fallen dove is a fallen dove? Is one of this couple gone? Has one been blown away and lost to the storm and one is left to survive, or are they both okay and looking for each other? This kind of a scene, a scenario of families that are separated has been replayed over and over and over again, Mr. Speaker.

So there is a lot of human suffering, and the breadth of this and the depth of this is not something that is understood yet by the American people or by

this Congress, which is why I bring this message to the floor of the House of Representatives, so that America can take another step to begin to understand the damage down there.

I will tell my colleagues, Mr. Speaker, that I think we should do everything we can to rescue people, to help them recover, to place them, to make this next phase of their lives more comfortable, easier, give some sense of certainty and some sense of confidence. But, at the same time, those resources that go to that we cannot hold back, but we need a plan. We need an overall plan on, first of all, the question was asked whether we are going to rebuild New Orleans. And I want to hear from the people in New Orleans, the people in Louisiana and, of course, the people in this country. But as I look at it, I see a city that has a unique character and it has a spirit, and it sits there today awfully quiet with nothing going on, high-rise buildings, the Superdome, the core of downtown New Orleans simply standing there dormant, waiting for occupants, waiting for the water to go down and the services to go on and people to come in and occupy.

If we rebuild New Orleans to the size and scope that it was and the population that has been driven from there does not come back to New Orleans, then we will have some services that are overbuilt for the numbers of people that it will be servicing. If we rebuild New Orleans and start rebuilding homes that were destroyed, bulldoze neighborhoods where every house was destroyed and go back in and start building homes again and the disaster hits again, that is good money after bad.

So, Mr. Speaker, I propose that we put together a plan, a plan to save the city, a plan that would, I will say, construct the outlet of Lake Pontchartrain in such a way that a Category 5 hurricane cannot drive that water up into Lake Pontchartrain. Construct floodgates at the inlets of the canals, such as the 17th Street Canal, so that if something fails on the outlet, a hurricane levee protection of Lake Pontchartrain so that Lake Pontchartrain did fill it with water, that the flood gates will protect it so that New Orleans cannot be flooded again.

And I propose, Mr. Speaker, that we go in to every one of those 30 or 40 or more pump stations that are there and raise them up to an elevation high enough that no matter how severe the storm, that it cannot knock out the pumps and we would have a third way to protect the city.

This is not cheap, but New Orleans is a shipping city; New Orleans is a city with a tremendously pivotal economic location. It will be a city; with or without Federal help, it will be constructed as a city again, but we need to put the mitigation in place, the fail-safe system in place so there are actually three places to protect the city. The hurricane wall and levee for the outlet of Lake Pontchartrain, the floodgates

along the top of Lake Pontchartrain to keep the water out of the city, and then disaster-proof the lift stations, the pump stations that are all over that city so that they do not shut down, so that we can protect the city.

And then, if perhaps 25 percent of the people do not come back to New Orleans, if they decide that they are going to make their future where they find themselves relocated, then those low grounds that I showed on the previous chart, that dark brown in particular, that area should be put to some other use other than houses so that we are not pulling people out of the water again. Perhaps it becomes a park. We will wait for some architect to come up with a good idea for that.

But I am for helping people, and I am for a long-term plan to do the right thing. I do not think we need to be in a desperate hurry to rebuild New Orleans in the shortest time possible. I think this is a long-term event, and some of this damage that took place was to work that was done more than 100 years ago. We can put this work together in a fashion that is sequential to protect the city of New Orleans and build for the future, and it can be a more vibrant city than it has ever been before. It can still have its unique culture, and it can possibly have a culture that changes, but a unique culture. It can be economically viable and it can bring to this Nation the component of glory that it has given to us in the past and be a great city to visit in and live in, but we need to have an intelligent plan.

It is Congress's job to do that, Mr. Speaker. It is our job to initiate appropriations, and it is our job to safeguard those appropriations, and it is our job to listen to the people of America and put a plan in place, Mr. Speaker. That is my message to the American people.

I appreciate the opportunity to address this House of Representatives this evening, and I look forward to many discussions about how we are going to help the victims of Hurricane Katrina.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of district business.

Mrs. MALONEY (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. McNULTY (at the request of Ms. PELOSI) for today.

Mr. WALSH (at the request of Mr. DELAY) for today and September 14 on account of a death in the family.

Mr. MCHUGH (at the request of Mr. DELAY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. HERSETH, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and September 14, 15, and 16.

Mr. GUTKNECHT, for 5 minutes, September 20.

Mr. POE, for 5 minutes, September 14.

Mr. MCHENRY, for 5 minutes, September 14 and 15.

Ms. FOXX, for 5 minutes, September 15.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 8, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 3650. Federal Judiciary Emergency Special Sessions Act of 2005.

H.R. 3673. Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 14, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3819. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2004, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

3820. A letter from the Deputy Assistant Secretary for Installations and Facilities, Department of the Navy, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

3821. 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 2914(b)(1); to the Committee on Armed Services.

3822. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2005," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

3823. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas since September 2, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

3824. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2004 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

3825. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Board's report entitled, "Outreach to the Muslim Audiences Through Broadcast Media"; to the Committee on International Relations.

3826. 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. 05-38, 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.

3827. 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. 05-33, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

3828. 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. 05-43, concerning the Department of the Navy's

proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on International Relations.

3829. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's report on proposed obligations for weapons destruction and non-proliferation in the former Soviet Union and Albania, pursuant to Public Law 108-136, section 1302; to the Committee on International Relations.

3830. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Section 126.1(i) (Z-RIN: 1400-ZA18) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3831. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report entitled, "Engendering Bold Leadership: The President's Emergency Plan for AIDS Relief", pursuant to Public Law 108-25, section 5; to the Committee on International Relations.

3832. A letter from the Deputy Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2005 — June 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

3833. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles to the Government of Japan (Transmittal No. DDTC 034-05); to the Committee on International Relations.

3834. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting a draft of proposed legislation, "To authorize the Court Services and Offender Supervision Agency to accept the services of volunteers, and provide for their incidental expenses"; to the Committee on Government Reform.

3835. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's FY 2005 Annual Report on Commercial Activities, pursuant to Public Law 105-270; to the Committee on Government Reform.

3836. A letter from the Deputy Director of Communication and Legislative Affairs, Equal Employment Opportunity Commission, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Commission's FY 2005 Inventory of Commercial and Inherently Governmental Activities; to the Committee on Government Reform.

3837. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2004 and the preceding four fiscal years on the activities to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

3838. A letter from the Director, Office of Personnel Management, transmitting the Office's report describing and evaluating health benefits coverage for dependent children who are full-time students under the

Federal Employees Health Benefits (FEHB) Program, pursuant to 20 U.S.C. 1001; to the Committee on Government Reform.

3839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 308 to 309, Huntington, WV [COTP Huntington-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.2 and Ohio River Mile Marker 0.0 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-010] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3842. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3843. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3844. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Inner Harbor Navigational Canal, 500 yards North and South of Mile Marker 2.9, in the vicinity of the Almonaster Avenue Bridge, New Orleans, LA [COTP New Orleans-05-019] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Allen Route, Mile Marker 40.0 to Mile Marker 42.0, extending the entire width of the channel, Bayou Sorrell, LA [COTP New Orleans-05-020] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, in the vicinity of Spanish Plaza, New Orleans, LA [COTP New Orleans-05-021] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower

Mississippi River, Mile Marker 457.2 to Mile Marker 437.4, Madison Parish Port to the Vicksburg Front, Vicksburg, MS [COTP New Orleans-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.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, Above Head of Passes, in the vicinity of the Audubon Aquarium of the Americas, New Orleans, LA [COTP New Orleans-05-023] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 93.0 to Mile 94.0, Above Head of Passes, in the vicinity of Woldenberg Park, New Orleans, LA [COTP New Orleans-05-024] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 179.0 to Mile Marker 180.2, St. Louis, MO [COTP St. Louis-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Waverly Highway Bridge, Waverly, MO [COTP St. Louis-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 200.0 to Mile Marker 204.0, IL [COTP St. Louis-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 839.7 to Mile Marker 840.3, St. Paul, MN [COTP St. Louis-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 577.9 to Mile Marker 581.1, Dubuque, IA [COTP St. Louis-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 162.3 to Mile Marker 163.0, Peoria, IL [COTP St. Louis-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 485.5 to Mile Marker 485.9, Quad Cities, IL [COTP St. Louis-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hillsborough Bay, FL [COTP Tampa 05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulation; Tampa Bay, FL [COTP TAMPA 05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 19.0 to 21.0, Above Head of Passes, Fort Jackson, LA [COTP New Orleans-05-025] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone, Marathon, Florida [COTP Key West 05-043] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wolf River Chute, Mile Marker 1.0 to 3.0, Memphis, TN [COTP Memphis-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Emergency Safety Zone: James River, VA [CGD05-05-056] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)," pursuant to Pub-

lic Law 106-113, section 125(b); to the Committee on Ways and Means.

3866. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2003 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

3867. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes (Rept. 109-218 Pt. 2).

Mr. GINGREY: Committee on Rules. House Resolution 436. Resolution providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes (Rept. 109-219). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILLNER, Ms. CORRINE BROWN of Florida, Mr. SNYDER, Mr. MICHAUD, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, Mr. GUTIERREZ, and Mr. UDALL of New Mexico):

H.R. 3727. A bill to authorize the Secretary of Veterans Affairs to provide emergency assistance to homeless veterans and their families affected by Hurricane Katrina, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 3728. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3729. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3730. A bill to extend the statute of limitations pursuant to state of emergency, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr.

CASE, Ms. WOOLSEY, Mr. HINCHEY, Ms. SCHAKOWSKY, and Ms. WATSON):

H.R. 3731. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Energy and Commerce.

By Mr. ISSA:

H.R. 3732. A bill to provide for a credit for employers of tipped employees in determining the minimum wage required in States that require employers to pay a minimum wage at a rate higher than the Federal rate; to the Committee on Education and the Workforce.

By Mr. DAVIS of Alabama:

H.R. 3733. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are victims of Hurricane Katrina to withdraw funds without penalty from their individual retirement accounts and certain other retirement plans; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3734. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on House Administration.

By Mr. DAVIS of Alabama:

H.R. 3735. A bill to prevent a reduction in the Medicaid Federal medical assistance percentage (FMAP) determined for a State for fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3736. A bill to protect volunteers assisting the victims of Hurricane Katrina; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Ms. HARRIS, Mr. OTTER, Mr. KIRK, Mr. SIMMONS, Mr. HOLT, Mr. SNYDER, Mr. BASS, Mr. PETRI, Mr. PENCE, Mr. WOLF, Ms. GINNY BROWN-WAITE of Florida, Mr. UDALL of Colorado, Ms. FOXX, and Mr. WESTMORELAND):

H.R. 3737. A bill to establish an Office of Special Inspector General for Hurricane Katrina Recovery; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Ms. SCHAKOWSKY):

H.R. 3738. A bill to direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous product; to the Committee on Energy and Commerce.

By Mr. BOOZMAN (for himself and Mr. SOUDER):

H.R. 3739. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to improve the Department of Justice drug court grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 3740. A bill to provide for the issuance of a special postage stamp in order to afford a convenient means by which members of the public may contribute to Hurricane Katrina disaster relief; to the Committee on Government Reform, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. PICKERING):

H.R. 3741. A bill to amend the Internal Revenue Code to allow a one-time emergency, penalty free withdrawal, from a qualified investment retirement account; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MEEK of Florida, Ms. HARRIS, Mr. MILLER of Florida, Mr. WELLER, Ms. ROS-

LEHTINEN, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. JEFFERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. DAVIS of Florida, Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. SHAW, Mr. BOYD, and Mr. BILIRAKIS):

H.R. 3742. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of certain natural disasters; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 3743. A bill to ensure that certain members of the United States Armed Forces are not subject to secondary airport security screening; to the Committee on Homeland Security.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 3744. A bill to amend the Internal Revenue Code of 1986 to provide incentives for Americans to open their homes to fellow Americans from the Gulf Coast who were devastated by Hurricane Katrina, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. SCHWARZ of Michigan, and Mr. WILSON of South Carolina):

H.R. 3745. A bill to amend the Internal Revenue Code of 1986 to extend the tax treatment of members of the Armed Forces who die while serving in, or as a result of serving in, a combat zone to employees of contractors of the Federal Government; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. KOLBE, Mrs. TAUSCHER, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. KIRK, Mr. BOUCHER, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Mr. SCHIFF, Mr. KIND, and Mr. MOORE of Kansas):

H.R. 3746. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 3747. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to assist victims of Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. CUELLAR, Ms. LEE, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BOREN, Mr. BROWN of Ohio, Ms. CARSON, Mr. HONDA, Mr. BERMAN, Mr. GRIJALVA, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. McDERMOTT, Ms. SOLIS, Mr. OWENS, and Mr. CLEAVER):

H.R. 3748. A bill to provide additional funds to local educational agencies for elementary and secondary education and pupil services for students displaced by Hurricane Katrina, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH:

H.R. 3749. A bill to establish a national commission to address the rebirth and renewal of neighborhoods and communities affected by Hurricane Katrina; to the Committee on Transportation and Infrastruc-

ture, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 3750. A bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHENRY:

H.R. 3751. A bill to amend the Internal Revenue Code of 1986 to provide that withdrawals from section 401(k) and similar plans by victims of Presidentially declared disasters shall not be includible in gross income and shall not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 3752. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on crude oil and to ease gas prices for consumers, and for other purposes; to the Committee on Ways and Means.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. ADERHOLT, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CHOCOLA, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. LAHOOD, Mr. McCAUL of Texas, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. NUSSLE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. RENZI, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SIMPSON, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDI, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, and Mr. WOLF):

H.R. 3753. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 3754. A bill to provide disaster assistance to agricultural producers for 2005 crop and livestock losses, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3755. A bill to amend the Controlled Substances Act (21 U.S.C. 848) to provide increased penalties for methamphetamine traffickers; to the Committee on the Judiciary,

and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3756. A bill to amend the Controlled Substances Act and title 18, United States Code, with respect to methamphetamine, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. BURGESS, Mr. BLUNT, and Mr. SHIMKUS):

H.R. 3757. A bill to amend titles XIX of the Social Security Act to provide for health opportunity accounts under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 3758. A bill to improve foster care court capacity through grants, loan forgiveness, and performance measurement; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. LEWIS of Kentucky):

H.R. 3759. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from qualified retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CLEAVER (for himself, Mr. BLUNT, Mrs. EMERSON, Mr. OSBORNE, Mr. HOYER, Mr. CLYBURN, Mr. BROWN of Ohio, Mr. HIGGINS, Ms. BALDWIN, Mr. WYNN, Mr. MOORE of Kansas, Mr. SKELTON, and Mr. DAVIS of Alabama):

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 241. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII,

168. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 05-1005 expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanks to Coloradans for their generous charitable donations; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 11: Mr. FILNER.
H.R. 23: Mr. SCHWARZ of Michigan and Mr. GIBBONS.
H.R. 25: Mr. BROWN of South Carolina and Mr. TANCREDI.
H.R. 49: Mr. KANJORSKI.
H.R. 111: Mr. COBLE.
H.R. 114: Mr. CROWLEY.
H.R. 115: Mr. FILNER.
H.R. 153: Mr. PALLONE and Ms. SCHAKOWSKY.
H.R. 226: Mr. ETHERIDGE and Mr. SMITH of Washington.
H.R. 303: Mr. ENGLISH of Pennsylvania.
H.R. 363: Mr. BERMAN and Mr. BISHOP of Georgia.
H.R. 376: Mr. BERRY.
H.R. 398: Mrs. TAUSCHER, Mr. CROWLEY, Mr. FILNER, Mr. KUCINICH, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. CLYBURN, Ms. WATERS, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. SCHIFF, Mrs. MCCARTHY, Mr. NADLER, Mr. PASCRELL, Mr. CLEAVER, Mr. ENGEL, Mr. STARK, Mr. MCDERMOTT, Ms. HARMAN Mr. ROTHMAN Ms. BERKLEY, Mrs. LOWEY, Ms. ESHOO, and Ms. WOOLSEY.
H.R. 414: Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. SHIMKUS, Mr. POMBO, Mr. PLATTS, and Mr. JEFFERSON.
H.R. 415: Mr. PETERSON of Minnesota.
H.R. 515: Mrs. LOWEY.
H.R. 521: Mr. HOEKSTRA.
H.R. 550: Mr. CARNAHAN, Mr. NEAL of Massachusetts, Mr. MENENDEZ, and Mr. CLEAVER.
H.R. 552: Mr. HERGER and Mrs. MILLER of Michigan.
H.R. 583: Mr. NEAL of Massachusetts and Mr. MARKEY.
H.R. 602: Mr. MARCHANT.
H.R. 616: Mr. FILNER, Mr. HINCHEY, and Mr. TERRY.
H.R. 670: Mr. McCOTTER.
H.R. 687: Mr. DUNCAN.
H.R. 693: Mr. McCOTTER.
H.R. 699: Ms. LEE.
H.R. 700: Mr. COSTA and Mr. MICHAUD.
H.R. 705: Mr. SANDERS.
H.R. 745: Mr. CANNON and Mr. FORD.
H.R. 752: Mr. EMANUEL, Mr. MOORE of Kansas, and Ms. SLAUGHTER.
H.R. 768: Mr. MEEK of Florida.
H.R. 783: Mr. JINDAL, Mr. MARSHALL, and Mr. LARSON of Connecticut.
H.R. 808: Mr. BACA, Ms. SCHWARTZ of Pennsylvania, and Mr. PASTOR.
H.R. 813: Mr. GEORGE MILLER of California, Mr. SANDERS, and Mr. COSTELLO.
H.R. 819: Mr. BLUNT and Mr. RYAN of Wisconsin.
H.R. 839: Mr. MILLER of North Carolina.
H.R. 844: Mr. FILNER.
H.R. 856: Ms. HERSETH.
H.R. 867: Ms. SCHAKOWSKY.
H.R. 872: Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. PETERSON of Minnesota, Mr. PLATTS, and Mr. PRICE of North Carolina.
H.R. 896: Mr. McNULTY.
H.R. 917: Mr. SANDERS.
H.R. 920: Mr. ANDREWS and Mr. McHUGH.
H.R. 921: Ms. SCHAKOWSKY.
H.R. 923: Mr. VAN HOLLEN and Mr. LAHOOD.
H.R. 949: Ms. SLAUGHTER.
H.R. 955: Mr. SANDERS.
H.R. 960: Mr. BUTTERFIELD and Mr. McINTYRE.
H.R. 968: Mr. GORDON.
H.R. 986: Mr. SCHIFF and Mr. BARTLETT of Maryland.
H.R. 997: Mr. SHADEGG.
H.R. 999: Mr. MARSHALL and Mr. WAMP.
H.R. 1000: Mr. SCHIFF, Mr. PLATTS, and Mr. CUMMINGS.

H.R. 1020: Mr. HOLT, Mr. HOLDEN, Mr. ANDREWS, Mr. BERMAN, Mr. OBERSTAR, and Mr. GRIJALVA.

H.R. 1043: Mr. NADLER, Mr. GRIJALVA, and Mr. BROWN of Ohio.

H.R. 1105: Mr. RENZI.

H.R. 1157: Mr. CROWLEY.

H.R. 1167: Mr. SENSENBRENNER and Mr. McHUGH.

H.R. 1177: Mr. HOLDEN, Mr. MICHAUD, and Mr. McCOTTER.

H.R. 1217: Mr. OWENS, Mr. RAMSTAD, Mr. WEXLER, and Mr. TOWNS.

H.R. 1227: Mr. STUPAK, Mr. LANGEVIN, Mr. LATHAM, Mr. CLAY, and Mr. ALEXANDER.

H.R. 1232: Mr. GRIJALVA and Mrs. CHRISTENSEN.

H.R. 1246: Ms. MCCOLLUM of Minnesota, Mr. YOUNG of Florida, Mr. ADERHOLT, Mr. PETERSON of Minnesota.

Mr. PETERSON of Minnesota, Mr. BAIRD, Mr. CHABOT, Mr. POMBO, and Mr. FORBES.

H.R. 1298: Mr. SCHWARZ of Michigan, Ms. MATSUI, Mr. WICKER, and Mr. GONZALEZ.

H.R. 1351: Mr. SCHWARZ of Michigan.

H.R. 1355: Mr. CROWLEY.

H.R. 1365: Mr. MILLER of North Carolina.

H.R. 1402: Mr. SANDERS.

H.R. 1408: Mr. CROWLEY.

H.R. 1409: Mr. HIGGINS, Ms. WATSON, Mrs. MALONEY, Mr. BUTTERFIELD, Ms. WASSERMAN SCHULTZ, and Ms. SOLIS.

H.R. 1424: Ms. VELÁZQUEZ.

H.R. 1554: Mr. CAPUANO.

H.R. 1588: Mr. MEEHAN and Mrs. LOWEY.

H.R. 1598: Mrs. KELLY.

H.R. 1602: Mr. BILIRAKIS, Mr. TOM DAVIS of Virginia, Mrs. EMERSON, Mr. SHAYS, and Mr. MOORE of Kansas.

H.R. 1607: Mr. TERRY.

H.R. 1671: Mr. GONZALEZ.

H.R. 1696: Ms. LORETTA SANCHEZ of California.

H.R. 1714: Mr. POE, Mr. FILNER, and Mr. MARCHANT.

H.R. 1736: Mr. FILNER.

H.R. 1849: Mr. FITZPATRICK of Pennsylvania, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Ms. MCKINNEY.

H.R. 1898: Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, and Mr. SIMMONS.

H.R. 1946: Mr. KENNEDY of Rhode Island, Mrs. CAPPS, and Mr. CARDIN.

H.R. 1951: Mr. MCCAUL of Texas.

H.R. 1955: Mr. UDALL of New Mexico.

H.R. 1973: Mr. AL GREEN of Texas.

H.R. 2000: Mr. SCOTT of Virginia.

H.R. 2049: Mr. SHADEGG and Mr. MCCAUL of Texas.

H.R. 2106: Mr. HOEKSTRA and Mr. BISHOP of Georgia.

H.R. 2237: Ms. SCHAKOWSKY.

H.R. 2238: Mr. PRICE of North Carolina, Ms. LEE, and Mr. CROWLEY.

H.R. 2291: Mr. PAUL.

H.R. 2328: Mr. PRICE of North Carolina.

H.R. 2421: Mr. FRANK of Massachusetts, Mr. STUPAK, Mr. MURPHY, Mr. RUPPERSBERGER, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. STARK, Mr. FILNER, Mr. SESSIONS, Mrs. TAUSCHER, and Mrs. WILSON of New Mexico.

H.R. 2429: Mr. COSTELLO.

H.R. 2508: Mr. ANDREWS.

H.R. 2531: Mr. FILNER.

H.R. 2553: Mr. FILNER and Ms. VELÁZQUEZ.

H.R. 2658: Mrs. CUBIN.

H.R. 2662: Mr. BAIRD.

H.R. 2668: Mr. BOEHNER.

H.R. 2682: Mr. PRICE of North Carolina, Mr. BASS, and Mr. PUTNAM.

H.R. 2694: Ms. KAPTUR.

H.R. 2717: Ms. BERKLEY and Mr. PASCRELL.

H.R. 2719: Mr. LEACH and Mr. ROTHMAN.

H.R. 2736: Mr. FILNER.

H.R. 2793: Mr. KUHLMAN of New York, Mr. HYDE, Mr. KILDEE, Mrs. KELLY, and Mr. EVANS.

H.R. 2794: Mr. PRICE of North Carolina and Mr. SANDERS.
H.R. 2807: Mr. JEFFERSON.
H.R. 2811: Mrs. NAPOLITANO.
H.R. 2815: Mr. MEEKS of New York and Mr. CROWLEY.
H.R. 2822: Mr. GREEN of Wisconsin.
H.R. 2823: Mr. BARTLETT of Maryland.
H.R. 2949: Mr. CROWLEY.
H.R. 2961: Mr. DEFazio and Mr. MORAN of Kansas.
H.R. 2963: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.
H.R. 2989: Mr. BARTLETT of Maryland, Ms. HERSETH, Mrs. CAPITO, and Mr. SODREL.
H.R. 3042: Mr. WYNN.
H.R. 3127: Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. SMITH of Washington, Ms. SOLIS, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. BRADLEY of New Hampshire, and Mr. CALVERT.
H.R. 3128: Mr. FILNER.
H.R. 3135: Mr. AKIN and Mr. LOBIONDO.
H.R. 3150: Mr. POE and Mr. MARCHANT.
H.R. 3162: Mr. ANDREWS.
H.R. 3184: Mr. ACKERMAN.
H.R. 3185: Mr. LARSEN of Washington, Mr. PAYNE, Mr. MCGOVERN, and Mr. CROWLEY.
H.R. 3189: Mr. MCGOVERN, Mr. CROWLEY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 3192: Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Mr. JEFFERSON.
H.R. 3195: Mr. LEWIS of Georgia.
H.R. 3255: Mr. BOREN.
H.R. 3282: Mr. MARCHANT, Mr. GREEN of Wisconsin, Mr. SAM JOHNSON of Texas, and Mr. GOODLATTE.
H.R. 3334: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. McDERMOTT, Mr. RUSH, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. BROWN of Ohio.
H.R. 3360: Mr. GREEN of Wisconsin and Mr. PAUL.
H.R. 3361: Mr. GRIJALVA, Mr. WAXMAN, Mr. CALVERT, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mr. ISSA.
H.R. 3373: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. FATTAH, Mr. GUTIERREZ, Mr. EMANUEL, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FORBES, Mr. ALEXANDER, and Ms. FOX.
H.R. 3405: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK of Michigan, Mr. WELDON of Florida, Mr. COSTA, and Mr. MARCHANT.
H.R. 3417: Mr. JEFFERSON and Mrs. CAPITO.
H.R. 3420: Mr. TIERNEY.
H.R. 3502: Mr. SANDERS.
H.R. 3524: Mr. OWENS.
H.R. 3532: Mr. SCHWARZ of Michigan and Mr. UPTON.
H.R. 3547: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3565: Mr. JEFFERSON and Mr. OWENS.
H.R. 3575: Mr. CROWLEY.
H.R. 3583: Mr. ALLEN.
H.R. 3584: Mr. HINCHEY.
H.R. 3602: Mr. LEWIS of Georgia.
H.R. 3616: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. CONAWAY, and Mr. STARK.
H.R. 3617: Ms. HART and Mr. TERRY.
H.R. 3662: Mr. BERMAN, Mr. GRIJALVA, Mr. OWENS, Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. CUMMINGS.
H.R. 3666: Mr. MCGOVERN.
H.R. 3667: Mr. SCHIFF, Ms. LINDA T. SANCHEZ of CALIFORNIA, Ms. WATSON, Mr. BECERRA, Ms. ESHOO, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. BERMAN, Mrs. DAVIS of California, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. FARR, Mr. CUNNINGHAM, Mr. CALVERT, Mr. POMBO, Ms. LEE, Mr. FILNER, Mr. RADAN-

OVICH, Ms. MATSUI, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. McKEON, Mr. LEWIS of California, Mrs. BONO, Mr. ROHRABACHER, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.
H.R. 3680: Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mrs. MILLER of Michigan.
H.R. 3681: Mr. ABERCROMBIE, and Mr. WATT.
H.R. 3690: Mr. SERRANO, Ms. CARSON, Mr. HONDA, Ms. WASSERMAN Schultz, Ms. SCHAKOWSKY, Mr. WU, Mr. CUMMINGS, Mr. McDERMOTT, Mr. EVANS, and Mrs. MALONEY.
H.R. 3693: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WESTMORELAND, Mr. TANCREDO, and Mr. MARCHANT.
H.R. 3697: Mr. FARR, Mr. FILNER, Mr. CARNAHAN, Ms. SOLIS, Mr. SABO, Mr. WEINER, Mr. FORD, Mr. THOMPSON of California, Mr. AL GREEN of Texas, Mr. COOPER, Mr. PRICE of North Carolina, and Mr. PALLONE.
H.R. 3698: Mr. MARKEY, Mr. WYNN, Mr. PALLONE, Mr. ROSS, Mr. DAVIS of Florida, Mr. STRICKLAND, and Mr. GORDON.
H.R. 3699: Mr. CANNON.
H.R. 3706: Mr. CASE, Ms. WASSERMAN SCHULTZ, and Ms. BERKLEY.
H.R. 3710: Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, and Mr. NADLER.
H.R. 3714: Mr. BACHUS, Mr. OWENS, Mr. REYES, Mr. PRICE of Georgia, and Mr. ALEXANDER.
H.R. 3717: Mrs. DRAKE, Mr. SHAYS, Mr. HERGER, and Mr. ALEXANDER.
H.R. 3722: Mr. SANDERS.
H.J. Res. 39: Mr. KING of Iowa and Mr. SAM JOHNSON of Texas.
H.J. Res. 58: Mr. BROWN of Ohio.
H.J. Res. 61: Mr. McDERMOTT, Mr. CASE, Ms. CARSON, Mr. HALL, Mr. PETRI, Mr. HIGGINS, Mr. CARNAHAN, Mr. ISRAEL, Ms. WASSERMAN Schultz, and Mr. LYNCH.
H. Con. Res. 129: Ms. NORTON.
H. Con. Res. 137: Mr. CROWLEY.
H. Con. Res. 140: Mr. MCHUGH.
H. Con. Res. 172: Mr. THOMPSON of California and Mr. EMANUEL.
H. Con. Res. 178: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.
H. Con. Res. 190: Ms. SCHAKOWSKY.
H. Con. Res. 195: Ms. SCHAKOWSKY.
H. Con. Res. 197: Mr. FRANK of Massachusetts.
H. Con. Res. 209: Ms. BALDWIN, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. KILDEE, Mr. BOSWELL, Ms. MATSUI, Mrs. MCCARTHY, Mr. HOLDEN, Mr. GOODE, Mr. GRIJALVA, Mr. KUCINICH, and Mr. SHERMAN.
H. Con. Res. 228: Ms. BALDWIN.
H. Con. Res. 231: Mr. MCHUGH, Ms. HART, and Mr. WAMP.
H. Con. Res. 234: Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. SHERMAN, Mr. BUTTERFIELD, Mr. WATT, and Ms. SOLIS.
H. Con. Res. 237: Mr. AKIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. ENGEL, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HASTINGS of Florida, Mr. ISSA, Mr. KING of New York, Mr. MACK, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. POE, Mr. REYES, Ms. ROSELEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SIMPSON, Mr. SOUDER, Mr. TANCREDO, Mr. WATT, and Mr. YOUNG of Alaska.
H. Res. 15: Mr. NUNES, Mr. LEWIS of Kentucky, Mr. GINGREY, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. PETRI, Mr. KIND, Mr. ROGERS of Kentucky, Mr. BAKER, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD, Mr. ROTHMAN, and Ms. WASSERMAN SCHULTZ.
H. Res. 38: Mr. ACKERMAN.
H. Res. 123: Mr. FARR and Mr. ENGLISH of Pennsylvania.

H. Res. 158: Mr. SHAYS, Mr. MURPHY, and Mr. CROWLEY.
H. Res. 192: Mr. LANTOS.
H. Res. 276: Mr. FITZPATRICK of Pennsylvania, Mr. SNYDER, Mrs. MCCARTHY, and Mr. PETERSON of Minnesota.
H. Res. 286: Mr. JEFFERSON and Mr. KUCINICH.
H. Res. 297: Mr. SHAYS.
H. Res. 325: Mr. ISSA.
H. Res. 368: Mr. MARSHALL, Mr. DOOLITTLE, Mr. MENENDEZ, Mr. CARDOZA, Mr. BOOZMAN, and Mr. BLUMENAUER.
H. Res. 375: Mr. MENENDEZ, Ms. CARSON, Mr. CARDIN, Ms. SOLIS, Mr. ROTHMAN, Ms. MATSUI, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. CARDOZA, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. MOLLOHAN, Ms. BERKLEY, Mr. NEAL of Massachusetts, and Mr. ANDREWS.
H. Res. 409: Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. PENCE, Mr. BLUMENAUER, Mr. McDERMOTT, Mr. SCHIFF, Mr. LEACH, Mr. CROWLEY, Mr. GRIJALVA, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. ACKERMAN, Mr. CHANDLER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, and Mr. FRANK of Massachusetts.
H. Res. 413: Ms. GINNY BROWN-WAITE of Florida.
H. Res. 415: Mr. ROHRABACHER.
H. Res. 417: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.
H. Res. 418: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.
H. Res. 419: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.
H. Res. 420: Mr. CONYERS, Mr. KUCINICH, Mr. TIERNEY, Mr. McDERMOTT, Mr. ACKERMAN, Mr. DEFazio, Mr. HINCHEY, Mr. DELAHUNT, Mr. DOYLE, Mr. UDALL of Colorado, Mr. VIS-CLOSKY, Mr. MCGOVERN, Mr. PALLONE, Ms. LEE, Ms. MATSUI, Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.
H. Res. 434: Mr. HOLDEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2567: Mr. GENE GREEN of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: MRS. MILLER OF MICHIGAN

AMENDMENT NO. 1: At the end of title IV add the following:

SEC. ____ TREATMENT OF S/V HIGHLANDER SEA.

The Secretary of the department in which the Coast Guard is operating may treat the vessel S/V HIGHLANDER SEA (United States official number 224289) as a small passenger vessel for purposes of chapter 33 of title 46, United States Code, if the Secretary determines that such treatment will not compromise safety.

H.R. 3132

OFFERED BY: MR. PENCE

AMENDMENT NO. 1: Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pornography Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising, and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such

activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes *prima facie* contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking “actual”;

(2) in subsection (b), by striking “actual”;

(3) in subsection (f)(4)(A), by striking “actual”;

(4) by amending paragraph (1) of subsection (h) to read as follows:

“(1) the term ‘sexually explicit conduct’ has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;”;

(5) in subsection (h)(4), by striking “actual.”;

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking “and”;

(B) at the end of paragraph (4)(B), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

“(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegate to conduct an inspection under subsection (c).”.

(7) in subsection (h)(3), by striking “to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted” and inserting “actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or

digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct”;

(8) in subsection (a), by inserting after “videotape,” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture,”; and

(9) in subsection (f)(4), by inserting after “video” the following: “digital image, digitally- or computer-manipulated image of an actual human being, or picture.”.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

“(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

“(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

“(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

“(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.”.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after “of such offense” and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

“(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

“(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.”.

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—

(1) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting “or who is convicted of an offense under sections 2252B or 2257 of this chapter,” after “2260 of this chapter”;

(ii) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(iii) inserting “or an offense under chapter 109A” after “of chapter 117”; and

(B) in paragraph (I), by inserting “, 2252A, 2252B or 2257” after “2252”.

(2) CIVIL FORFEITURE.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting “, 2252A, 2252B, or 2257” after “2252”;

(B) in paragraph (2) —

(i) by striking “or” and inserting “of” before “chapter 117”;

(ii) by inserting “, or an offense under section 2252B or 2257 of this chapter,” after “Chapter 117,” and

(iii) by inserting “, or an offense under chapter 109A” before the period; and

(C) in paragraph (3) by—

(i) inserting “, or 2425” after “2423” and striking “or” before “2423”; and

(ii) inserting “, a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A” before the period.

(c) AMENDMENTS TO RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “2252A, 2252B,” after “2252”.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting “**Production and**” before “**Transportation**” in the heading of the section;

(2) by inserting “produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly” after “whoever knowingly” and before “transports or travels in”; and

(3) by inserting a comma after “in or affecting such commerce”.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting “producing with intent to distribute or sell, or” before “selling or transferring obscene matter,”;

(2) in subsection (b), by inserting, “produces” before “sells or transfers or offers to sell or transfer obscene matter”; and

(3) in subsection (b) by inserting “production,” before “selling or transferring or offering to sell or transfer such material.”.

H.R. 3132

OFFERED BY: MR. NADLER

AMENDMENT No. 2: Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION

Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has been convicted in any court of a misdemeanor sex offense against a minor,”.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

“(36)(A) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than one year.

“(B) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(C) The term ‘minor’ means an individual who has not attained 18 years of age.”.

H.R. 3132

OFFERED BY: MR. PORTER

AMENDMENT No. 3: At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) DEFINITION.—In this section, the terms “local educational agency” and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 4: Page 31, line 17, strike “not less than 10”.

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike “not less than 10 years and”.

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert “; and”.

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert “; and”.

Page 47, line 5, strike “; and” and insert a period.

Page 47, starting on line 6, strike clause (iii) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert “; and”.

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

H.R. 3132

OFFERED BY: MR. RYUN OF KANSAS

AMENDMENT No. 5: At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in *United States v. Jeffrey Meek*, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that “an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).”;

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, “Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple’s decision in *United States v. Helder, Jr.* and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple’s decision in *United States v. Helder, Jr.* should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 6: Strike section 303. Redesignate any succeeding sections accordingly.

H.R. 3132

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

H.R. 3132

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT No. 8: Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) **GRANTS AUTHORIZED.**—The Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) **COMPLIANCE PERIOD.**—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) **ATTORNEY GENERAL REPORTS.**—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) **DEFINITIONS.**—As used in this section:

(1) The term “civil commitment program” means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 111.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

H.R. 3132

OFFERED BY: MR. INGLIS OF SOUTH CAROLINA

AMENDMENT No. 9: Page 27, line 7, strike “not less than 5 years nor”.

Page 27, lines 17 through 18, strike “not less than 5 years nor”.

H.R. 3132

OFFERED BY: MR. McDERMOTT

AMENDMENT No. 10: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS
SEC. 601. FOSTER CHILDREN IN AREAS AFFECTED BY HURRICANE KATRINA DEEMED ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) **IN GENERAL.**—As a condition of eligibility for payments under part E of title IV of the Social Security Act, each State with a plan approved under such part shall, during the 12-month period that begins with September 2005, make foster care maintenance payments (as defined in section 475(4) of such Act) in accordance with such part on behalf

of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

(b) **PAYMENTS TO STATES.**—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to such subsection (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) for children described in such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such Act) or child-care institutions (as defined in section 472(c)(2) of such Act); and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

H.R. 3132

OFFERED BY: MR. McDERMOTT

AMENDMENT No. 11: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS
SEC. 601. FLEXIBILITY TO ESTABLISH SEPARATE STANDARDS FOR RELATIVE FOSTER FAMILY HOMES.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended by inserting before the semicolon the following: “, and, at the option of the State, that the authority or authorities may—

“(A) establish and maintain separate standards for foster family homes in which a foster parent is a relative of the foster child, that, at a minimum, protect the safety of the child and provide for criminal records checks as described in paragraph (20); and

“(B) apply the standards referred to in subparagraph (A) of this paragraph to any such relative foster care provider to whom funds are paid pursuant to section 472 or part B in lieu of the standards that would otherwise apply to a foster family home.”.

H.R. 3132

OFFERED BY: MR. HERGER

AMENDMENT No. 12: Page 54, beginning on line 21, strike “in furtherance” and all that follows through line 23 and insert “for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.”.

Page 55, beginning on line 18, strike “placement of foster or adoptive children” and insert “licensing or approval of foster or adoptive parents”.

H.R. 3132

OFFERED BY: MR. FLAKE

AMENDMENT No. 13: Page 42, line 6, strike the close quotation mark and the period that follows.

Page 42, after line 6, insert the following:

“(k) **SENTENCING CLAIMS.**—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary

to clearly established Federal law, as determined by the Supreme Court of the United States.”.

H.R. 3132

OFFERED BY: MR. BAIRD

AMENDMENT No. 14: Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) **STUDY.**—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

H.R. 3132

OFFERED BY: MR. McDERMOTT

AMENDMENT No. 15: Page 52, line 13, strike the close quotation marks and the period and insert “and”.

Page 52, after line 13, insert the following: “(D) provides that the preceding provisions of this paragraph shall not apply with respect to the placement of a child with a relative for not more than 60 days while the State is conducting a records check pursuant to this paragraph;”.

H.R. 3132

OFFERED BY: MR. GIBBONS

AMENDMENT No. 16: Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents, accordingly):

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER’S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver’s license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver’s license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a

study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

H.R. 3132

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 17: Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN

SEC. 601. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

“§ 1802. Misappropriation of personal data of children

“Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

“1802. Misappropriation of personal data of children.”.

H.R. 3132

OFFERED BY: MR. CUELLAR

AMENDMENT No. 18: Page 11, line 4, after the comma insert “and a minimum term of imprisonment that is no less than 90 days.”.

H.R. 3132

OFFERED BY: MR. POE

AMENDMENT No. 19: At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. ____ . EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

H.R. 3132

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT No. 20: At the end of the bill, add the following new section:

SEC. 5 ____ . DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) IN GENERAL.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

H.R. 3132

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT No. 21: Add at the end of title IV the following:

SEC. 403. SEXUAL ABUSE, SEXUAL EXPLOITATION, OR COERCIVE PROSTITUTION OF CHILDREN WHILE ILLEGALLY MANUFACTURING, DISTRIBUTING, DISPENSING, TRANSPORTING, OR POSSESSING CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

“§ 2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances

“Whoever, during and in relation to—

“(1) manufacturing, distributing, dispensing, or possessing a controlled substance in violation of the Controlled Substances Act, or attempting or conspiring to do so; or

“(2) transporting or causing to be transported materials (including chemicals) for manufacturing a controlled substance in violation of that Act, or attempting or conspiring to do so, commits a sex offense (as defined in section 111 of the Children’s Safety Act of 2005) against an individual less than 18 years of age;

shall be fined under this title, and imprisoned for life or for any term of years not less than 25.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code is amended by adding at the end the following new item:

“2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances.”.

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT No. 22: At the end of title I, add the following new subtitle:

Subtitle C—Children’s Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children’s Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction.

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

(1) proven academic, management, and leadership credentials;

(2) a superior record of achievement; and

(3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 23: At the end of title III insert the following:

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” before “or ethnicity”.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by and directed against juveniles” after “data acquired under this section”.

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 24: At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 1. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 25: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the “Local Law Enforcement Hate Crimes Prevention Act of 2005”.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term “hate crime” has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) **PRIORITY.**—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) **OFFICE OF JUSTICE PROGRAMS.**—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) **APPLICATION.**—

(A) **IN GENERAL.**—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) **DATE FOR SUBMISSION.**—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) **REQUIREMENTS.**—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(6) **REPORT.**—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) **AUTHORITY TO MAKE GRANTS.**—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney Gen-

eral may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) **IN GENERAL.**—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 249. Hate crime acts

“(a) **IN GENERAL.**—

“(1) **OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.**—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) **OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.**—

“(A) **IN GENERAL.**—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) **CIRCUMSTANCES DESCRIBED.**—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign

commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) **CERTIFICATION REQUIREMENT.**—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) **DEFINITIONS.**—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) **RULE OF EVIDENCE.**—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

H.R. 3132

OFFERED BY: MRS. KELLY

AMENDMENT No. 26: At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) INFORMATION.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) EXCEPTION.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) CONSTRUCTION.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) DISSEMINATION.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child's parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 27: Page 11, line 2, after "jurisdiction" insert ", other than a Federally recognized Indian tribe".

Page 27, line 5, insert ", or resides in," after "enters or leaves".

Page 6, line 22, strike "A" and insert "To the extent provided and subject to the requirements of section 126, a".

Page 6, line 19, strike "Somoa" and insert "Samoa".

Page 6, line 20, insert "The" before "North-ern".

Page 10, line 4, strike "and interpret".

Page 10, line 5, strike "to implement the requirements and purposes of" and insert "and regulations to interpret and imple-ment".

Page 12, line 23, after "years" insert "(but such 20-year period shall not include any time the offender is in custody or civilly committed)".

Page 16, line 15, after "jurisdiction" insert "where the sex offender resides, works, or at-tends school, and each jurisdiction".

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, po-litical subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Page 18, beginning in line 7, strike "a one-year extension" and insert "up to two one-year extensions".

Page 19, line 3, after "title" insert "or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title".

Page 25, beginning in line 14, strike "for damages directly related to" and insert "arising from".

Page 26, beginning in line 20, strike "re-ceive a notice from an official that such person".

Page 27, line 16, insert "or section 1591," after "117".

Page 29, line 3, insert "or section 1591," after "117".

Page 29, strike lines 14 through 17 and in-sert the following:

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of sec-tion 4042(c) of title 18, United States Code, are each amended by striking "(4)" and in-serting "(3)".

Page 10, line 26, after "Act" insert "or its effective date in a particular jurisdiction".

Page 19, after line 3, insert the following:

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to ju-risdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

Page 11, line 20, after "plate number" in-sert "and description".

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the fol-lowing new subsection:

"(f) SEX OFFENDER MANAGEMENT.—

"(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and sui-table for treatment, as follows:

"(A) SEX OFFENDER MANAGEMENT PRO-GRAMS.—The Bureau of Prisons shall estab-lish non-residential sex offender manage-ment programs to provide appropriate treat-ment, monitoring, and supervision of sex of-fenders and to provide aftercare during pre-release custody.

"(B) RESIDENTIAL SEX OFFENDER TREAT-MENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treat-ment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

"(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex of-fender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection."

At the end of title I, insert the following:

SEC. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ per-sonnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be nec-essary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 156. AUTHORIZATION OF ADDITIONAL AP-PROPRIATIONS.

In addition to any other amounts autho-rized by law, there are authorized to be appro-priated for grants to the American Prosecu-tors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike "Each" and insert "(a) IN GENERAL.—Except as provided in sub-section (b), each".

Page 15, after line 19, insert the following:

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet informa-tion about a sex offender required to register for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert "a" before "sexual act".

Page 12, line 13, insert ", including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense" before the period.

Page 5, after line 23, insert the following:

(1) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike "in a range" and all that follows through "by" in line 9 and inserting "that is one of".

Page 21, after line 15, insert the following (and redesignate succeeding subsections ac-cordingly):y-24

(f) INNOVATION.—In making grants under this section, the Attorney General shall en-sure that different approaches to monitoring are funded to allow an assessment of effec-tiveness.

(g) ONE-TIME REPORT AND RECOMMENDA-TIONS.—Not later than April 1, 2008, the At-torney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for con-tinuing funding and the appropriate levels for such funding.

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 28: Page 26, after line 7, in-sert the following:

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 29: Page 69, after line 17, insert the following:

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

“§ 3298. Child abduction and sex offenses.

“Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

“3298. Child abduction and sex offenses.”.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking “Class B misdemeanor” and inserting “Class A misdemeanor”.

H.R. 3132

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 30: Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local child welfare agency for the purpose of conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the states may charge any applicable fees for the checks.

(b) LIMITATION.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person

authorized by law to receive that information.

(d) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

H.R. 3132

OFFERED BY MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: At the end of the TITLE V, add the following new section:

SEC. ____ . SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, SEPTEMBER 13, 2005

No. 114

Senate

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

PRAYER

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

Let us pray.

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

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

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

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

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

MEETING WITH IRAQI PRESIDENT JALAL TALABANI

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

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

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

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

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

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

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



Printed on recycled paper.

S9943

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

IN THE AFTERMATH OF HURRICANE KATRINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

Mr. LOTT. I am happy to yield.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LOTT. Thank you.

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

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

ARMED FORCES RESPONSE TO KATRINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPERATIONAL HIGHLIGHTS

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

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

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

Total aviation support in area:

346 helicopters (Active Duty and National Guard).

68 airplanes (Active Duty and National Guard).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

USACE conducts its emergency response activities under two basic authorities:

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

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

COMMAND AND CONTROL

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

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

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

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

OPERATIONAL HIGHLIGHTS

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

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

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

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

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

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

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

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

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

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

Moving excess ice to prepare for Hurricane Ophelia.

Debris:

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

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

Roofing:

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

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

Power: 30 Prime Power soldiers working in the area:

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

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

Have completed 669 assessments and 159 generator installs to date.

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

Navigation:

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

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

Housing:

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

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

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

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

want to make sure the President has that capability.

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

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

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

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

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

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

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

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

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

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

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

Mr. WARNER. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

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

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

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

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

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

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

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

The PRESIDING OFFICER. Morning business is closed.

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

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

The assistant legislative clerk read as follows:

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

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

Pending:

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

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

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

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

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

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

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

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

Clinton amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

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

AMENDMENT SPONSORSHIP

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

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

AMENDMENT NO. 1670

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1665

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

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

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

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

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

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

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

I could do this for a long time.

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

That was 2 months ago in the New York Times.

Now, what does all this mean for our country?

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia is recognized.

A NATIONAL DEBATE: OUR COUNTRY'S FUTURE

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

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

Let's read that again:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

HURRICANE KATRINA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 1703

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LEAHY. Could we start ours later?

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

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

Mr. INHOFE. We will say 20 after.

Mr. LEAHY. Twenty after.

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

Without objection, it is so ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

The legislative clerk read as follows:

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

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

The Senator from Oklahoma.

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

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. That being the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. INHOFE. I have no objection.

Mr. LEAHY. I have no objection.

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

Who yields time?

The Senator from Vermont.

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

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

JULY 27, 2005.

EXHIBIT 1

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

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

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

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

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

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

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

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

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

Sincerely,

American Academy of Child and Adolescent Psychiatry.

American Academy of Pediatrics.

American Association on Mental Retardation.

American College of Nurse-Midwives.

American College of Preventive Medicine.

American Federation of State, County and Municipal Employees.

American Nurses Association.

American Psychiatric Association.

American Public Health Association.

Association of Reproductive Health Professionals.

Association of Universities on Disabilities.

Breast Cancer Fund.

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

Children's Environmental Health Network.

Commonweal.

Cure Autism Now.

Easter Seals.

Families USA.

Healthcare Without Harm.

Institute for Children's Environmental Health.

Learning Disabilities Association.

March of Dimes.

National Association of Nurse Practitioners in Women's Health.

National Association of Pediatric Nurse Practitioners.

National Association of School Nurses.

National Autism Association.

National Latina Institute for Reproductive Health.

National Organization of Nurse Practitioner Faculties.

National Partnership for Women and Families.

National Research Center for Women & Families.

NoMercury.

Parents for Nontoxic Alternatives.

Physicians for Social Responsibility.

SafeMinds.

Saratoga Foundation for Women Worldwide, Inc.

Science and Environmental Health Network.

Society of Pediatric Nurses.

The Arc of the United States.

United Cerebral Palsy.

SEPTEMBER 9, 2005.

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

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

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

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

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

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

Sincerely,

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

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

STEVE MOYER,
Vice President for
Government Affairs
& Volunteer Operations,
Trout Unlimited.

JULY 21, 2005.

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

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

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

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

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

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

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

Sincerely,

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

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

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

The Senator from Vermont.

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

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

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

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

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

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

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

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

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

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

Who yields time?

The Senator from Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

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

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

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

S.J. RES 20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

U.S. SENATE,

Washington, DC, September 13, 2005.

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

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

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

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

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

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

Sincerely,

ARLEN SPECTER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. Three minutes.

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

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

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

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

I thank the Chair.

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

The Senator from Oklahoma.

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

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

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

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

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

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

I thank the Chair.

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 225 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

Hatch Rockefeller

The joint resolution was rejected.

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

The motion to lay on the table was agreed to.

RECESS

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

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

AMENDMENT NO. 1650, AS MODIFIED

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

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

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

AMENDMENT NO. 1653

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

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

AMENDMENT NO. 1704

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

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

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

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1687, AS MODIFIED

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

I suggest the absence of a quorum.

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

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

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

AMENDMENT NO. 1665

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

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

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

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

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

My job has gone to India.

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

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

My job has gone to India.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the same as the amendment I am offering today.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

My hope is we will have a vote on this.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The minority leader.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. MIKULSKI. If we have votes.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The minority leader.

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

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

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

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

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

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

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

AMENDMENT NO. 1661

The PRESIDING OFFICER. The time for debate has expired.

The Senator from New Hampshire.

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

Is that agreeable?

Mr. BIDEN. I thank the Senator.

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

The Senator from Delaware is recognized.

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

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

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

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

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

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

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

I urge my colleagues to support the amendment.

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

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

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

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

The PRESIDING OFFICER. The Senator from Delaware.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 226 Leg.]

YEAS—41

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

NAYS—56

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

NOT VOTING—3

Corzine	Rockefeller	Vitter
---------	-------------	--------

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

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sponsors, and I hope the Senate will adopt it.

I yield the floor.

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

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

Meth is of particular concern to me and to the entire Tennessee delegation because Tennessee has been plagued by a growing number of meth labs—ad hoc laboratories in backwoods shacks, out-of-the-way hotel rooms, and just about anywhere else you can cram in a supply of hot plates, glassware, and noxious chemicals necessary to make meth. In 2004, Tennessee ranked second in the Nation in the number of meth lab seizures, according to data from the Office of National Drug Control Policy. The Drug Enforcement Agency calculates that Tennessee accounts for 75 percent of the meth lab seizures in the Southeast. My colleagues in Missouri, Kentucky, Oklahoma, and many other States can cite related alarming statistics.

What is of particular concern about these meth labs is that they are appearing in places where drug production and abuse has not been a significant problem. In Tennessee, the largest numbers of seizures of meth labs have occurred in rural counties such as Monroe, Marion, Warren, and Coffee. These areas are often not fully prepared to cope with the demands of seizing such labs and cleaning up the aftermath.

The Talent-Feinstein amendment is a critical step in dealing with the meth problem. Others will have already praised various aspects of this bill, but I would like to particularly congratulate the Judiciary Committee for producing a bill that does not undermine State and local efforts to combat this problem. Law enforcement begins at home, and by crafting legislation that directs a Federal response that supports State and local law enforcement rather than preempt it, the Senate has upheld the principles of federalism that are at the core of our system of government.

This legislative step is only one part of a comprehensive strategy to combat this addictive drug. The problems presented by meth are myriad and many are unique. Meth production and use targets a different demographic of users than other drugs. Production of meth creates a toxic stew of chemical byproducts that can contaminate a lab site for years to come. Precursor chemicals used in meth production can

come from a wide variety of sources. Hospitals and child welfare agencies are overwhelmed by burn victims and abuse cases from homes where meth is made. The court system is inundated with cases involving drug crime, and the inability to provide more individual attention prevents people from getting treatment that might discourage recidivism.

We also need to remember that while combating meth has risen to the top of the agenda thanks to media and government attention, this country is still threatened by the illegal use of a variety of drugs. According to the National Household Survey on Drug Abuse, 15.9 million Americans ages 12 and older reported using an illicit drug the month before the survey was conducted. Of those, 12.1 million reported using marijuana in the past month; 1.7 million reported using cocaine; and 1.3 million reported using hallucinogens such as LSD, PCP, and Ecstasy. Meth use has not yet risen to these levels, but if left unchecked the meth problem could soon rise to similar levels.

So as we focus on meth, we must also recognize that even if we are successful in our efforts to curb meth use and production, millions of Americans are threatened by addiction to other, just as dangerous drugs, and the next big drug is probably simmering in a beaker or growing in a field right now.

The Bush administration is confronting the drug problem head on in this country. In 2005, the Office of National Drug Control Policy reported that there has been a 17-percent reduction in youth drug use in the last 3 years thanks in part to Federal and State efforts to bolster enforcement and increase awareness of the dangers of drugs. Attorney General Gonzales recently visited Nashville with HHS Secretary Mike Leavitt and Office of National Drug Control Policy Director John Walters to announce new measures to support State and local governments in combating the meth problem.

I commend my colleagues for their work on the Combat Meth Act, and I look forward to more such efforts in our mission to eliminate the scourge of illegal drugs from our communities.

The PRESIDING OFFICER. The Senator from Arizona.

INTEROPERABLE COMMUNICATIONS FOR PUBLIC SAFETY OFFICIALS

Mr. McCAIN. Mr. President, I have watched the news coverage, along with so many Americans, during these past 2 weeks and have been shocked and saddened by the devastation in the gulf coast region. It continues to amaze me that an act of nature can bring about such destruction and ruin the lives of so many.

My deepest sympathies and prayers go out to the residents of Alabama, Louisiana, and Mississippi, and I know that as a country we will come together, as we are, to assist these residents and help them rebuild their lives. In my home State of Arizona, I am proud to report that valley residents

have welcomed over 1,000 residents of New Orleans.

This was a tragedy of great proportions that caught local, State, and Federal officials unprepared. Like many Americans, I, too, have been concerned about the local, State, and Federal initial response to this disaster. It was unacceptable and inadequate. I know there will be an appropriate time for a comprehensive review of the local, State, and Federal response efforts to determine what went wrong and what went right. The oversight investigations being held by Senators COLLINS and LIEBERMAN are a very important undertaking. I believe Congress and the Nation have a lot to learn from Hurricane Katrina.

One thing already evident is that the country's local, State, and Federal first responders remain unable to communicate with each other during an emergency response. We saw the horrors brought on by the lack of communication on 9/11 when New York's fire, police, and port authority officers were unable to talk with one another when responding to the collapse of the Twin Towers. I have now been told that the first responders in Louisiana experienced similar problems because New Orleans and the three nearby parishes all use different radio equipment and frequencies. In addition, Federal officials use entirely different communications systems than localities, which hindered relief efforts.

I read that New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that the equipment was rendered useless by flooding. Nonetheless, short-term solutions to link incompatible systems are not the right approach to this critical problem. The better approach is for this Nation to get serious about public safety communications by developing and funding an interoperable communications system for all local, State, and Federal first responders.

The Federal Government needs to, one, develop a comprehensive interoperable communications plan and set equipment standards; two, fund the purchase of interoperable communications equipment; and three, provide public safety with additional spectrum so first responders can communicate using the same radio frequencies and equipment in the event of an emergency.

Congress has taken some steps toward achieving an interoperable communications system for local, State, and Federal first responders. Last year, I offered an amendment that was enacted as part of the intelligence reform bill that authorized the Department of Homeland Security's Office for Interoperability and Compatibility, otherwise known as SAFECOM. SAFECOM assists local, regional, State, and Federal agencies in developing interoperable communications plans and accelerating interoperable communications equipment standards. They are in the

process of doing so, and I urge them to move forward expeditiously.

Congress has also begun to fund the purchase of interoperable communications equipment for localities. Some 50,000 local, State, and Federal agencies make independent decisions about communications systems and use various frequencies. This is unacceptable and a waste of Government resources. The Department of Homeland Security has already spent over \$280 million for the purchase of interoperable communications equipment. The Senate-passed Department of Homeland Security fiscal year 2006 appropriations bill would provide over \$2.6 billion for localities to purchase interoperable communications equipment. This bill is currently in conference with the House.

Obviously, interoperability will come with a cost. Some estimate as much as \$15 billion. But even this may be a small price to pay in order to save thousands of lives in the event of another disaster.

Let's remember that Congress also provided additional spectrum for first responders in the Telecommunications Act of 1996. So after spending millions of dollars in funding in additional spectrum for our Nation's first responders, why are we not better off than we were on 9/11 when it comes to interoperable communications? Because the spectrum Congress provided to first responders in 1996 is being held hostage by television broadcasters, even though broadcasters have now been given new spectrum.

It was almost 20 years ago that broadcasters began their journey toward becoming spectrum squatters. In 1987, broadcasters first asked the FCC to look into the potential of digital television technology and whether additional spectrum would be necessary. Upon the broadcasters' request, Congress provided new spectrum in 1996 to the broadcasters for free. I have often referred to this as the great \$70 billion taxpayer giveaway. In return, broadcasters promised to give back their current spectrum by December 31, 2006, and make it available to first responders for interoperable communications.

But before the ink was dry on the Telecommunications Act of 1996, broadcasters persuaded certain Members of Congress to include an exception to the December 31, 2006, date in the 1997 Balanced Budget Act. Last year, during a Commerce Committee hearing, then-FCC Chairman Michael Powell testified that this exception could result in the first responders not receiving this spectrum for "decades or multiple decades." As evidenced by the tragedies from Hurricane Katrina, we cannot wait decades. Broadcasters are blocking access to spectrum for first responders who serve over 50 percent of the country.

Providing first responders access to this spectrum is one of the key recommendations of the 9/11 Commission

and remains a top priority for Chairman Kean and Vice Chairman Hamilton. I introduced legislation last year to implement this recommendation, and it was voted out of the Commerce Committee. I then added the provisions, an amendment to the intelligence reform bill last fall, to provide this spectrum to first responders. Unfortunately, this language was removed in conference and replaced with a "sense of Congress" that such legislation be voted on during the first session of the 109th Congress.

Senator LIEBERMAN and I reintroduced our legislation to provide spectrum to first responders. Yet Congress has yet to act this year as envisioned by the sense of Congress. S. 1268, the Spectrum Availability for Emergency Response and Law Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act, would provide first responders with the spectrum by January 1, 2009. Upon introduction, I suggested this date is a compromise between public safety organizations, equipment manufacturers, localities, and broadcasters. However, after watching citizens suffer during recovery efforts in New Orleans, I believe this date should be moved up to January 1, 2007, as originally contemplated by Congress in the Telecommunications Act of 1996.

Yet here we are 9 months into the first session with another horrible disaster having taken place, and Congress has yet to take up the SAVE LIVES Act or any other legislation providing first responders their promised spectrum.

To what level of crisis must this country endure before we act? Is the devastation from Hurricane Katrina still not enough to bring action? Chairman STEVENS has stated his intention to include such legislation in the Commerce Committee's response to budget reconciliation. I will be watching to see if the broadcasters find a way to once again delay the hand off of this spectrum to first responders. I will do all I can to move our legislation.

In 1997, the President of the National Association of Broadcasters stated on "The News Hour with Jim Lehrer" that broadcasters' use of spectrum allocated to first responders was merely a "loan to facilitate an orderly transition." Mr. Fritts, this "loan" has gone on long enough. Congress must now call in your "loan." You got your spectrum, now give the first responders their spectrum.

I will conclude by sharing 9/11 Commission Chairman Kean's comments as stated on CNN's Late Edition this past Sunday:

[w]hat's frustrating is it's the same thing over again. I mean, how many people have to lose their lives? It's lack of communication, our first responders not being able to talk to each other. . . . Basically it's many of the things that, frankly, if some of our recommendations had been passed by the United States Congress . . . could have been avoided. But on the ground, the people that get there first can't talk to each other be-

cause the radio communications don't work. They haven't got enough what's called spectrum. So there is a bill in Congress to provide first responders spectrum. The bill has been sitting in Congress, nothing has been happening, and again, people on the ground—police, fire, medical personnel—couldn't talk to each other. That's outrageous and it's a scandal and I think it cost lives.

I couldn't agree more.

I want to end by thanking all of the first responders who are assisting in rescue efforts in Alabama, Louisiana and Mississippi. They are heroes and make me proud to be an American. For over 2 weeks now, they have slept very little and eaten very little, but done so much for a region in need. In appreciation, we owe them better communications systems so that when they are called upon to assist in the next disaster, they have the tools necessary to protect themselves and those they are working to protect.

Mr. GREGG, Mr. President, the pending Commerce, Justice, Science and Related Agencies Appropriations Bill for FY 2006, H.R. 2862, as reported by the Senate Committee on Appropriations provides \$48.875 billion in budget authority and \$49.495 billion in outlays in fiscal year 2006 for the Departments of Commerce, Justice and related agencies. Of these totals, \$229 million in budget authority and \$241 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$48.646 billion. This amount is \$2 billion less than the President's request, equal to the 302(b) allocations adopted by the Senate, and \$36 million more than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
Senate 302(b) allocation:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
2005 Enacted:			
Budget authority	48,610	242	48,852
Outlays	48,376	228	48,604
President's request:			
Budget authority	50,655	229	50,884
Outlays	49,185	241	49,426
House-passed bill.*			
Budget authority	57,452	361	57,813
Outlays	58,563	373	58,936
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2005 Enacted:			
Budget authority	36	-13	23
Outlays	878	13	891
President's request:			
Budget authority	-2,009	0	-2,009

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Outlays	69	0	69
House-passed bill.*			
Budget authority	-8,806	-132	-8,938
Outlays	-9,309	-132	-9,441

* House and Senate subcommittees have differing jurisdictions.
NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NOTICE OF INTENT

Mr. REID, Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1652

At the appropriate place, insert the following:

TITLE —TEMPORARY MEDICAID DISASTER RELIEF

SEC. 01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. 02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. 03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) **AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.**—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) **INDIVIDUALS WHO LOST EMPLOYMENT.**—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) **CONSTRUCTION.**—A Katrina Survivor shall be treated as being “from” the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) **TREATMENT OF CURRENT MEDICAID BENEFICIARIES.**—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) **TREATMENT OF HOMELESS PERSONS.**—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual’s “residence” shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) **DIRECT IMPACT STATE.**—The term “direct impact State” means the State of Louisiana, Alabama, and Mississippi.

(b) **RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.**—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) **UNIFORM ELIGIBILITY RULES.**—

(A) **NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.**—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) **STREAMLINED ELIGIBILITY PROCEDURES.**—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) **DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.**—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State’s eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) **SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.**—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) **VERIFICATION OF STATUS AS A KATRINA SURVIVOR.**—

(A) **IN GENERAL.**—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) **EVIDENCE OF VERIFICATION.**—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) **DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.**—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) **PENALTY FOR FRAUDULENT APPLICATIONS.**—

(A) **INDIVIDUAL LIABLE FOR COSTS.**—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) **EXCEPTION.**—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) **REIMBURSEMENT TO THE FEDERAL GOVERNMENT.**—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State’s administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 404(a)(2).

(5) **EXEMPTION FROM ERROR RATE PENALTIES.**—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 404. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) **INCREASE IN FEDERAL MATCHING RATE.**—

(1) **100 PERCENT FMAP FOR MEDICAL ASSISTANCE.**—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) **100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.**—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 403 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 403(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) **LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.**—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2006 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) **TEMPORARY SUSPENSION OF MEDICARE “CLAWBACK” AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.**—

(1) **SUSPENSION IN APPLICATION OF “CLAWBACK.”**—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u-5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) **CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.**—Section 1935(d)(1) of such Act shall also not apply,

subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) **TERMINATION OF APPLICATION OF SUBSECTION.**—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) **DEFINITION.**—For purposes of this subsection, the term “State that experiences a significant influx of Katrina Survivors” means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) **EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.**—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) **PART D.**—

(1) **EXTENSION OF INITIAL ENROLLMENT PERIOD.**—In the case of a Katrina Survivor, the initial enrollment period under section 1860D-1(b)(2) of the Social Security Act (42 U.S.C. 1395w-101(b)(2)) shall in no case end before May 15, 2007.

(2) **FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.**—For purposes of carrying out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1662

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) **SHORT TITLE.**—This section may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

(b) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(20) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—

“(A) **IN GENERAL.**—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **REGULATIONS.**—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

“(C) **NOTICE.**—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

“(D) **AUTHORITY TO CONTRACT WITH PHA’S AND OTHERS.**—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

“(E) **WAIVER OF ELIGIBILITY REQUIREMENTS.**—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

“(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual’s return to work;

“(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

“(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

“(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

“(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

“(vi) subsection (r)(1)(B), relating to restrictions on portability.

“(F) **USE OF FUNDS.**—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

“(i) shall be made available by the Secretary to individuals to cover the cost of —

“(I) rent;

“(II) security and utility deposits;

“(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(IV) such additional expenses as the Secretary determines necessary; and

“(ii) shall be used by the Secretary—

“(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

“(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

“(G) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(H) **NONDISCRIMINATION.**—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

“(I) **TERMINATION OF ASSISTANCE.**—Assistance provided under this paragraph shall—

“(i) terminate 6 months after the date on which such assistance was received; and

“(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(21) **ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.**—

“(A) **IN GENERAL.**—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **ADDITIONAL USES OF FUNDS.**—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) **NONDISCRIMINATION.**—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) **AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA’S ARE UNABLE TO DO SO.**—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”.

(c) **REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.**—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

- (1) to provide emergency housing; or
- (2) as locations for the construction or deployment of temporary housing units.

(d) **APPROPRIATION OF FUNDING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this Act.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

NOTICE OF INTENT

Mr. REID. Mr. President, In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following statement:

AMENDMENT NO. 1678

On page 191, between lines 9 and 10, insert the following:

TITLE VII—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Hurricane Emergency Limitation on Payments (HELP) Act of 2005”.

SEC. 702. DEFINITIONS.

In this subtitle:

(1) **DISASTER.**—The term “Disaster” means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) **INJURED PERSON.**—The term “injured person” means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 703. MORATORIUM ON PAYMENTS.

(a) **IN GENERAL.**—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) **APPLICABILITY TO LOANS.**—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) **PERIOD OF EFFECTIVENESS.**—The moratorium under subsection (a) shall apply in

accordance with section 761 to the failure of an injured person to make timely payments.

(d) **ELIGIBILITY.**—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) **FEDERAL RESPONSIBILITY.**—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) **EFFECT OF OTHER LAW.**—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) **MAXIMUM AMOUNTS.**—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) **MORTGAGE AND RENTAL ASSISTANCE.**—

(1) **IN GENERAL.**—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) **ELIGIBLE PERSONS.**—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) **TYPES OF HOUSING ASSISTANCE.**—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) **FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.**—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through

the end of subsection (a) and inserting the following:

“SEC. 410. UNEMPLOYMENT ASSISTANCE.

“(a) **PROVISION OF UNEMPLOYMENT ASSISTANCE.**—

“(1) **ASSISTANCE.**—

“(A) **IN GENERAL.**—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

“(B) **LOCATION OF EMPLOYMENT.**—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

“(C) **REASON FOR UNEMPLOYMENT.**—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

“(D) **ELIGIBILITY.**—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

“(2) **AVAILABILITY.**—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

“(3) **MAXIMUM AND MINIMUM WEEKLY AMOUNTS.**—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

“(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

“(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

“(4) **PERIOD FOR APPLICATION.**—The President shall accept applications for assistance under this subsection for—

“(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

“(B) such longer period as may be established by the President.

“(5) **COOPERATION WITH STATES.**—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.”.

Subtitle D—Tax Relief

SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a)

of such Code relating to any employment tax liability of the taxpayer.

SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) **EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAYED.**—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

“(x) **REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

“(2) **REPAYMENT REQUIREMENT.**—

“(A) **ADDITION TO TAX.**—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

“(B) **DETERMINATION OF AMOUNT.**—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

“(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

“(ii) the qualified distribution.

“(C) **REPAYMENT PERIOD.**—For purposes of this subsection, the term ‘repayment period’ means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

“(D) **TAX BENEFIT AMOUNT.**—For purposes of this subsection, the term ‘tax benefit amount’ means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

“(3) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection, the term ‘qualified distribution’ means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

“(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

“(B) to the extent such distribution does not exceed the excess of—

“(i) the amount of expenses incurred as a result of such disaster, over

“(ii) the amount of such expenses which are compensated for by insurance or otherwise.

“(4) **RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.**—

“(A) **IN GENERAL.**—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

“(B) **METHOD OF MAKING RECONTRIBUTION.**—Any required recontribution—

“(i) shall be made during the repayment period for the qualified distribution,

“(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

“(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made. An individual making a required recontribution under this paragraph shall designate (in

the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

“(C) **TREATMENT OF CONTRIBUTION.**—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

“(5) **OTHER SPECIAL RULES.**—

“(A) **BASIS RULES NOT AFFECTED.**—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

“(B) **AGGREGATION RULE.**—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle D—Hurricane Katrina Food Assistance Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

SEC. 742. DEFINITION OF SECRETARY.

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) **IN GENERAL.**—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) **RESPONSE TO HURRICANE KATRINA.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **AFFECTED AREA.**—

“(I) **IN GENERAL.**—The term ‘affected area’ means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

“(II) **INCLUSION.**—The term ‘affected area’ includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

“(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

“(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(i) **AFFECTED HOUSEHOLD.**—

“(I) **IN GENERAL.**—The term ‘affected household’ means a household—

“(aa) in an affected area;

“(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

“(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

“(II) **INCLUSION.**—The term ‘affected household’ includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

“(iii) **DISASTER RECOVERY PERIOD.**—

“(I) **IN GENERAL.**—The term ‘disaster recovery period’ means the period of 180 days beginning on the date of enactment of this paragraph.

“(II) **EXTENSION.**—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

“(B) **DISASTER RECOVERY PERIOD.**—During the disaster recovery period—

“(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6,

and section 8(c)(1) shall not apply to affected households;

“(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

“(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

“(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of \$323 in lieu of the deduction provided under subsection (e)(1);

“(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

“(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

“(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

“(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

“(C) **DUPLICATE PARTICIPATION.**—

“(i) **IN GENERAL.**—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

“(ii) **NO ACTION TAKEN.**—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

“(D) **CLAIMS RELATING TO BENEFITS.**—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

“(E) **PAYMENT ERROR RATE.**—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

“(F) **SAVINGS CLAUSE.**—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.”

(b) **PROGRAM INFORMATION ACTIVITIES.**—

(1) **IN GENERAL.**—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than \$5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of

1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) **EXPEDITING PROVISIONS.**—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) **DEFINITION OF ELIGIBLE RECIPIENT.**—In this section, the term “eligible recipient” means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) **ASSISTANCE.**—

(1) **IN GENERAL.**—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than \$200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) **USE OF FUNDS.**—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) **SECTION 32 FUNDING.**—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than \$200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 745. WIC FUNDING.

(a) **IN GENERAL.**—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated \$200,000,000, to remain available until September 30, 2007.

(b) **EMERGENCY DESIGNATION.**—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) **ALLOCATION OF FUNDS.**—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 746. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 747. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle E—Bankruptcy Relief

SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) **ELIGIBILITY.**—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

Subtitle F—Administrative Matters

SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.

(a) **IN GENERAL.**—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) **AUTOMATIC EXTENSION.**—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment

made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) **REPORT.**—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 762. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

WAIVING MATCHING REQUIREMENTS FOR CERTAIN FEMA PROGRAMS

Mr. REID. Mr. President, I want to bring to the administration's attention an issue of vital importance to the victims of Hurricane Katrina.

As you know, FEMA provides crucial financial assistance to eligible individuals, households and to local and State governments following a disaster. Many of FEMA's programs require local governments or States to provide a 25-percent match.

I commend President Bush's decision to waive the matching requirements for certain FEMA programs for 60 days. Given the unprecedented destruction resulting from Hurricane Katrina, however, I call on President Bush to immediately direct FEMA to reimburse all eligible recipients the full 100 percent of costs eligible under FEMA's various relief programs for as long as necessary. This waiver should apply to all entities that are providing assistance in the entire gulf coast area impacted by Hurricane Katrina.

As seems obvious to all, 60 days will simply not provide enough time for local and State governments to get back on their feet. Leaders from the municipalities and States devastated by Katrina should not be concerned with finding revenue to match Federal funding during this time of crisis. Federal aid should flow unimpeded.

Does the majority leader agree with me?

Mr. FRIST. I, too, commend the President for his quick action on a waiver for FEMA. I as well believe the President should consider waiving this cost-sharing requirement for as long as necessary for entities and areas in Louisiana where it is necessary. I am aware that the Louisiana delegation has sent a letter to the President to this effect, and I am supportive of what we can do to ease the burden for those impacted by Katrina.

Mr. REID. I thank the majority leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. LEVIN. Mr. President, I will spend a few minutes talking about Iraq this afternoon. I start with my conclusion and then go into the body of my remarks after I state what that conclusion is.

The administration's position that we will stay as long as the Iraqis need us is too open-ended and sends the wrong message to Iraqis that their failure to make the necessary political compromises will not affect how long we stay, and it makes it less likely that those compromises will be reached.

Our military commanders have repeatedly stated there is no purely military solution in Iraq and that a political settlement is a necessary element for success. In view of that, I believe, unless the Iraqis achieve a political settlement by the end of this year, we must consider a timetable for the withdrawal of U.S. forces from Iraq, and we must make that point clearly to the Iraqis now while they are in the process of deciding whether to come together through consensus.

The Iraqi National Assembly approved a draft Constitution on August 28, despite objections from the Sunni Arabs over provisions relating to federalism that most Sunnis believe will disadvantage the areas of Sunni concentration. Those provisions essentially would enable the Kurds in the North and the Shiites in the South to establish autonomous regions in which most of the country's oil reserves are located. Sunni Arab voters who chose to boycott the last election, and thus were underrepresented in the National Assembly and on the constitutional drafting committee, registered in large numbers for the referendum on the Constitution scheduled for October 15, with the apparent objective of rejecting the existing draft. If two-thirds of the voters in 3 or more of Iraq's 18 provinces vote no, the Constitution will be rejected, and the elections scheduled for December will elect a new National Assembly, which will start the constitutional drafting process anew.

Additionally, there are reports that firebrand Shiite cleric Muqtada al-Sadr will exhort his followers to reject the Constitution because he favors a unified Iraq, and he sees the existing draft leading to the dissolution of Iraq as a single State. Muqtada al-Sadr has a huge following in Baghdad, which lacks

oil resources, and thus is disadvantaged in a manner similar to the predominantly Sunni Arab provinces.

Meanwhile, the administration is urging the American people to "stay the course." That is a bumper sticker slogan not a strategy.

Secretary Rice, among others, has stated we will be in Iraq as long as we are needed, adding no incentive, therefore, to Iraqis to reach a political settlement. An open-ended commitment to keep our troops in Iraq, even in the absence of a political settlement by the Iraqis, flies in the face of our military commander's assessment that there can be no military success in the absence of an Iraqi political coming together.

U.S. forces, particularly the U.S. Army, are stretched thin, despite the unprecedented use of a large segment of our National Guard in Iraq. Their lengthy and repeated deployments mean that much of a unit's time is devoted to recovery from a previous deployment and preparation for the next one, thus leaving little time for training to develop war-fighting capabilities or sustaining readiness for other contingencies. These actions, in turn, mean less time at home for soldiers with their families and lower morale, which threatens recruiting and retention.

The level of participation of the Armed Forces of other countries has been disappointing, leaving the United States to bear most of the burden. The absence of forces from Muslim countries is deeply disappointing, since the outcome in Iraq has effects throughout the world and also impacts the future direction of Islam. While it would likely be unwise for Iraq's neighbors to supply any forces, the failure of the Arab states to express their condolences over the recent stampede, in which almost 1,000 Iraqis were killed, was noted angrily by Iraq's President and Prime Minister, as was the lack of Arab diplomatic representation in Baghdad.

The administration should take advantage of the presence of so many national leaders at the United Nations later this week to press nations with substantial Muslim populations, other than those neighboring Iraq, to send forces to Iraq. The President should also make clear to the Iraqi leaders that we expect them to extend invitations to such nations.

Speaking as a Senator, I delivered that message to President Talabani this afternoon in Senator FRIST's office. It is a message that I delivered on a number of occasions and directly in the past to Iraqi's leaders in Iraq.

U.S. Ambassador Zalmay Khalilzad wrote in the Washington Post that one of the two standards to evaluate the Iraqi Constitution is "its potential to be a national compact that brings Iraqis together and undermines the insurgency."

He went on to say:

If Iraqi voters ratify the draft overwhelmingly, it becomes a national compact. If they

reject the draft, the next Assembly will negotiate anew.

He continues:

Under all scenarios, the United States will continue to encourage Iraqi leaders and communities to come together.

But Ambassador Khalilzad failed to mention that there is another scenario; namely, that the Sunni Arabs vote overwhelmingly against the Constitution but fall short of achieving a two-thirds negative vote in three provinces. In such a case, the violence and insurrection is more likely to continue and even civil war could result. Moreover, the Ambassador's words fail to display urgency that Iraqis reach a political settlement and unwisely suggest the U.S. forces may stay in Iraq indefinitely until legal consensus is achieved.

Despite the National Assembly's approval of the draft Constitution, the Iraqis continue to negotiate and make changes to the draft. For example, the Washington Post reported on September 6 that President Talabani said in his statement that he had agreed to changes that would ease concerns among Sunni Arabs that the wording of the draft loosened Iraqi ties to the Arab world. And Reuters reported on Sunday that the United Nations is unable to start printing Iraq's draft Constitution because the National Assembly had not yet certified the text and now has set Sunday, September 18, as the date by which any changes to the draft Constitution can still be met.

This week provides a critically important opportunity for the administration to make clear to the Iraqis that U.S. forces cannot be in Iraq indefinitely. We must make it clear to the Iraqis that they have a limited time to achieve a political settlement and that if they do not do so, one way or another, by the end of this year, we will consider a timetable for withdrawal of our forces.

Speaking as one Senator, again, I delivered that viewpoint to President Talabani in Senator FRIST's office earlier this afternoon.

We cannot write a constitution for Iraq, and we should not dictate the compromises they need to make to achieve a political settlement. But we do control whether our troops stay in Iraq and how long they stay.

The framework for agreement appears to be at hand. Some Shiite leaders reportedly have come to realize the existing draft of the constitution, which grants a high degree of control over natural resources to autonomous regions, would apply to water resources as well as to oil resources. That could negatively impact on the amount and quality of water available to predominantly Shiite areas. The Shiites are mainly located in the south, downstream of both the Kurds in the north and the Sunni Arabs in the center, who are able to dominate the flow of Iraq's two great rivers, the Tigris and Euphrates.

If the Shiites give up their ability to form an autonomous region or regions,

or agree to greater control by the central government over the country's natural resources, the Sunni Arabs might then be able to support a revised draft constitution which would be a critical step in achieving a political settlement.

The administration needs to move quickly. Both President Talabani and Prime Minister Jaafari—the leading Kurd and Shiite, respectively, in the transitional Iraqi Government—are in Washington this week and available for straight talk from the President and his Cabinet.

The United States has done and is doing more than our part in Iraq. It is up to the Iraqis now to step up to the political compromises which need to be made if Iraq has a realistic chance to defeat the insurgents and to become a nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 9, 2005, two men were walking near 18th Street in New York, NY, when they were attacked by two other men. The apparent motivation for the attack were the victims sexual orientation. According to police, the two men made numerous antigay comments as they passed before hitting one of the gay men in the face.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ANNIVERSARY

Mr. DOMENICI. Mr. President, I rise today to commemorate the 35th anniversary of the Federal Law Enforcement Training Center, commonly known as FLETC. Since its inception in 1970, FLETC has provided primary and advanced law enforcement training for at least 81 Federal agencies. It also serves as the project manager for the International Law Enforcement Academies. Over the past three and one-half decades, FLETC has grown from a fledgling organization into the world's premier law enforcement training center. For this, and for the countless lives that have been saved by the proud graduates of FLETC, I extend my heartfelt congratulations.

When FLETC was first conceived 35 years ago, the training of Federal law enforcement agencies suffered from varying levels of quality. The costs of providing high-quality training were far too high for any single agency to bear. It was in these prevailing circumstances that people started to talk about standardizing and consolidating training operations for law enforcement agencies with similar operational skills. That FLETC has managed to save taxpayers dollars by creating high-quality and cost-effective training programs is a tribute to its leaders, instructors, and graduates.

I have a personal connection to FLETC because there is a FLETC campus in my home State of New Mexico. The town of Artesia in the southeastern section of New Mexico has played a special role in the history of FLETC. First opened in 1989, FLETC-Artesia is one of three full-scale residential training facilities currently in operation. Although originally a small college campus, FLETC-Artesia is now a 2,540-acre site that includes grounded aircraft, large classrooms, drug and fingerprint labs, physical techniques facilities, outdoor firearms ranges, vehicle proficiency courses, and a number of dormitory buildings.

These and other training tools have proven valuable to multiple Federal law enforcement agencies. In the weeks and months following the devastating attacks on September 11, 2001, the training environment at FLETC was reoriented to address the American people's demands for greater in-flight security. The number of students being trained at FLETC-Artesia swelled from an average of 150 per day to 700 per day as part of this mobilization. Air marshals continue to be trained by FLETC and the Federal Flight Deck Officer training module was transferred to Artesia in the fall of 2003. The Border Patrol has also consolidated its training activities in New Mexico. It is therefore no stretch of the imagination to say that FLETC-Artesia is at the forefront in protecting our Nation's skies and borders.

Mr. President, I offer my congratulations to those who have worked at FLETC over the past 35 years. They

have done their country a great service. The fact that FLETC trainees continue to excel is a tribute to their hard work. I am proud to have played a role in establishing a FLETC campus in my home State and I look forward to working with FLETC in the future.

BARBARA DAVIS CENTER FOR CHILDHOOD DIABETES

Mr. ALLARD. Mr. President, today I wish to honor an exceptional organization. The Barbara Davis Center for Childhood Diabetes provides care and support for over 5,000 children and young adults with type one diabetes, including their families. For their dedicated work and unrelenting commitment to excellence, I wish to honor the Barbara Davis Center for Childhood Diabetes here today.

Since 1980, The Barbara Davis Center has grown to become the largest facility in the Nation dedicated to pediatric diabetes and is now located on the Fitzsimmons Campus of the University of Colorado at Denver Health Sciences Center in Aurora, Colorado. The staff at the Center has worked tirelessly to meet the needs of countless children throughout Colorado and the entire world who suffer from type one, or insulin-dependent diabetes. The Center's clinics received worldwide recognition for their care of those affected with pediatric diabetes, a chronic, life-threatening illness. In addition, the Center is a first-rate teaching and research facility on the forefront of the investigation into the cause, treatment, and elimination of diabetes.

The Barbara Davis Center for Childhood Diabetes is relentless in its efforts to treat children with diabetes, support their families, and find ways to prevent and ultimately cure this devastating disease. For more than a quarter of a century the Center has proudly served the children of Colorado, our Nation, and the world. Founder Barbara Davis and the staff at the Center have dedicated themselves to enhancing the lives of those affected by diabetes. They are true champions in the fight against childhood diabetes, and I am honored to recognize their work.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONGRESSIONAL COALITION ON ADOPTION INSTITUTE

• Mr. ROCKEFELLER. Mr. President, tonight is the annual gala of the Congressional Coalition on Adoption Institute to honor individuals from across the country that have helped promote the basic but crucial goal of ensuring that every child is safe, healthy and has a permanent home.

I am proud to be a member of this group, and I am proud of the leadership

shown by our Chairs, Senator LANDRIEU and Senator CRAIG. Thanks to their leadership and the importance of public awareness, this event has grown into a true celebration and recognition of the individuals who have earned their award, as an Angel of Adoption.

This year, I am delighted to honor Chris Wood, executive director of Mission West Virginia, a faith-based organization in my State. Chris and his group have undertaken the initiative known as One Church, One Child. This program which has branches in about 30 States was started in my State in December 2001, thanks to the leadership of Chris Wood and Mission West Virginia. Its goal is to raise awareness and interest in adoptions from foster care throughout the community, but particularly focusing on faith communities. Since its inception, hundreds of West Virginians have inquired about potential adoptions. About 40 adults have been registered and certified as foster and/or adoptive parents. But the best news is that 25 children have been adopted into safe, permanent homes. Others are still in the process. This is real progress, and it is changing the lives of children and families.

This is a remarkable program. I am also pleased to note that my West Virginia colleague has nominated Drew Ornbaum as her Angel in Adoption. Drew is a teenager who was adopted from foster care, and he has become a compassionate spokesperson for this initiative and its vital goal—a safe, permanent home for every child.

Chris Wood, executive director of Mission West Virginia, is doing important work on behalf of children and families through the One Church, One Child program.●

RECOGNITION OF THE RETIREMENT OF MAJOR GENERAL REGINALD CENTRACCHIO, U.S. ARMY NATIONAL GUARD

● Mr. REED. Mr. President, I rise today to recognize the accomplishments of MG Reginald Centracchio, the Adjutant General of the State of Rhode Island and the commanding general of the Rhode Island National Guard. Major General Centracchio retired on September 1, 2005, after 48 years in the Rhode Island Army National Guard. He is the only adjutant general from Rhode Island to serve his entire career within the Rhode Island National Guard, rising from private to the position of adjutant general.

Major General Centracchio enlisted as a private in the National Guard in September 1957. He graduated from Officer Candidate School in 1962, and was commissioned a second lieutenant, Air Defense Artillery.

Over the past four decades, Major General Centracchio held a wide variety of important command and staff positions, including platoon leader and battery commander on various missile sites throughout Rhode Island; field ar-

tillery tactical intelligence staff officer and adjutant; recruiting and retention manager; plans, operations and military support officer; director of personnel and administration; and director of plans, operations and training, Rhode Island Army National Guard.

Major General Centracchio was appointed the Adjutant General, State of Rhode Island, and Commanding General, Rhode Island National Guard, by Gov. Lincoln Almond on August 1, 1995. On August 1, 2002, he achieved the State rank of lieutenant general. On July 1, 1996, he was appointed director of the Rhode Island Emergency Management Agency, RIEMA, merging the National Guard and Emergency Management Agency. On January 21, 2003, he was reappointed by Gov. Donald L. Carcieri as the Adjutant General of Rhode Island; he was then appointed Rhode Island Homeland Security Advisor. Major General Centracchio is the first adjutant general to hold all three positions simultaneously.

During his tenure as Adjutant General and Commanding General of the Rhode Island National Guard, Major General Centracchio's leadership and commitment were essential in ensuring the Rhode Island National Guard trained, equipped, and deployed soldiers and airmen in support of United States military missions at home and abroad. His experience and knowledge were constantly sought during numerous State emergencies in which Rhode Island National Guard troops were employed to ensure public safety. Under his direct supervision, the Rhode Island National Guard mobilized and deployed over 3,500 troops in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. This represents the largest deployment of Rhode Island National Guard Troops since the First World War.

General Centracchio exemplifies what it means to be a "soldier." He was utterly committed to accomplishing his mission and completely dedicated to the welfare of his troops. He led by example. His service and sacrifice sustained the men and women of the Rhode Island National Guard and will continue to inspire them in the years ahead.

I also want to commend his wife, Linda. She also served by his side to provide for the men and women of the Rhode Island National Guard. Together they made an extraordinary contribution to our Nation and to Rhode Island.

Major General Centracchio's superb sense of duty and responsibility provided the citizens of Rhode Island with solid evidence of the National Guard's commitment to the State and Nation. On behalf of the residents of Rhode Island, I thank Major General Centracchio for a lifetime of selfless service. I wish him well and salute him with the title that he has earned and honored. "Sir, you are a soldier."●

NEW MEXICO JUNIOR COLLEGE

● Mr. DOMENICI. Mr. President, on behalf of my fellow New Mexicans, I recognize the outstanding achievements of the New Mexico Junior College baseball team and applaud their remarkable world series victory.

New Mexico Junior College, an institution with over 3,000 students, is located in Hobbs, NM. This southeastern New Mexico town is known for its abundant natural resources, agriculture, attractive yearlong weather, and small town charm. Hobbs has long been known as the hub of New Mexico's oil industry, and home to the world's gliding community. Now, Hobbs is the home of the No. 1 junior college baseball team in America.

The Thunderbird baseball team has a distinguished local and national reputation for excellence. More than 85 New Mexico Junior College players have been drafted by professional teams, and two of those recently won Major League Baseball championships with the Florida Marlins and Anaheim Angels. However, this is the first national championship in the school's storied baseball history.

The 2005 season added to the list of accolades for the New Mexico Junior College Thunderbirds. The team finished the season winning 55 out of 65 games, and outscored their opponents 44 to 19 during their championship run. Head coach Ray Birmingham won his 700th game along the way and received the award for NJCAA coach of the year. The team finished with the highest batting average in the country. Seven Thunderbirds, from a variety of positions, received all-conference honors.

Besides being great athletes, the Thunderbirds continue to show remarkable character off the field. Four players earned Academic All-American honors this season, highlighting the high academic standards of the program. I have always believed that the ability to shine on and off the playing field is a truly crowning achievement.

This New Mexico Junior College baseball team demonstrated remarkable teamwork and selflessness throughout the season. Players born in New Mexico, Venezuela, Puerto Rico, Australia, Canada, and across the United States came together to realize their dreams this season. For that, and for all their accomplishments, I commend each and every player and coach of the Thunderbird team here in this RECORD. May their success be only a prelude to future accomplishments, and may they continue to represent their school, Hobbs, and the State of New Mexico with distinction.●

CONGRATULATING WILLIAM H. (HARRY) ARMSTRONG

● Mrs. BOXER. Mr. President, I rise to congratulate Mr. William H. (Harry) Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award. The Rose Ann Vuich Leadership Award, sponsored by the Kenneth L.

Maddy Institute at California State University, Fresno, the Fresno Business Council and the Fresno Bee, is a prestigious award that celebrates excellence and integrity in public service.

Harry Armstrong began his distinguished career in public service when he was appointed to the Clovis Planning Commission in 1966. In 1970, Harry was elected by the residents of Clovis to serve on the city council for nine consecutive terms. During this period, Harry also completed four highly successful terms as the mayor of Clovis. He is currently the longest-serving councilmember in California.

Harry Armstrong's remarkable tenure on city council has coincided with the growth of Clovis from a quiet small town to one of the most vibrant and dynamic communities in the Central Valley. Clovis' status as one of the most desirable places to live, raise a family, and conduct business is made possible in no small part by Harry's extraordinary vision and steadfast commitment to serve the overall good of the community and advance the interests of his beloved constituents.

In addition to his immense contributions to the city of Clovis, Harry Armstrong has been very generous in lending his considerable talents and passion for public service to a number of other statewide and regional causes over the years. A former president of the League of California Cities, Harry is the current chairperson of the Fresno County Transportation Authority as well as serving in the same capacity for the Association of Metropolitan Water Agencies. Harry is widely regarded as one of the Central Valley's foremost experts on transportation and water issues.

As important is the high level of ethical leadership that has been the hallmark of Harry Armstrong's tenure of public service.

As his colleagues, constituents, and many admirers would attest, Harry Armstrong is a truly deserving recipient of an award that honors the importance of integrity, character, ethics, consensus building, and commitment to the common good in public service. Throughout his career in government, Harry has consistently embodied the best ideals of a dedicated public servant.

I congratulate Harry Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award and wish him continued success in his future endeavors.●

HONORING THE RANCHO BUENA VISTA LITTLE LEAGUE TEAM

● Mrs. BOXER. Mr. President, I rise today to honor the Rancho Buena Vista Little League Team of San Diego, CA, that represented the Western Region in the Little League World Series.

The Rancho Buena Vista Team treated fans to a thrilling season, including an amazing 24-game winning streak. Their season culminated in a 5 to 4 vic-

tory over the team from Chiba City, Japan to win third place at the Little League World Series in Williamsport, PA. On August 14, 2005, Rancho Buena Vista defeated Tracy, California 7 to 2 in the West regional championship game, finishing with a 6 to 0 record. The Vista Little Leaguers became the sixth U.S. region representative and 14 overall to qualify for the 2005 Little League World Series.

The team displayed commitment to teamwork, gamesmanship, and a love of baseball as a team sport as they each played fair, strived to win, and always did their best. Vista's pitcher Kalen Pimentel struck out 18 batters in 1 regulation game to tie a Little League record.

On September 10, 2005, in the City of Vista, the Rancho Buena Vista Team will celebrate their victory with fellow San Diegans. The team will be joined by their friends, family, supporters, and coaches Randy Reznicek, Joseph Pimentel, and manager Marty Miller in a parade. They come together to celebrate the team's strength of character, level headedness, pride, and commitment which lead them to victory.

It is with great pleasure that I commend the athletes of the Rancho Buena Vista Little League Team for the determination, composure, and sportsmanship they exhibited throughout the 2005 Little League World Series and for their many accomplishments on the field throughout the tournament. I wish them great success in the future.●

CELEBRATING THE 50TH ANNIVERSARY OF EVANGEL HOME

● Mrs. BOXER. Mr. President, I rise to commemorate the 50th anniversary of Evangel Home. Evangel Home is a shelter for needy women and children located in downtown Fresno. Now in its 50th year, Evangel Homes has been instrumental in helping hundreds of women and children piece together their broken lives.

Evangel Home was established in 1955 by Ms. Pauline Baker Myers as a "Home for Needy Women and Children." Saddened by the lack of help for women in need at local homeless shelters, Pauline Baker Myers envisioned a shelter for women designed to help them put their lives back together. Evangel Homes became one of the first shelters of its kind in the nation.

Evangel Home helps women through a variety of programs. Women enter Evangel Home through Crisis Home, an emergency shelter where women may stay for up to 28 days. At Crisis Home, up to 24 women and children can receive services such as meals, shelter, clothing, and counseling.

Following the initial stay at Crisis Home, women may be eligible for the CrossRoads Residential Program. Through the CrossRoads Residential Program, Evangel Homes offers a 9-month program of courses and services to help women make better choices for themselves and their families. The

courses are intended to help residents develop their life skills for parenting, finances and setting boundaries.

The GARDEN Residential Recovery Program, or God Answers, Redeems, and Delivers Everyone who draws Near to Him, is an alternative sentencing program. It is designed to rehabilitate women in a structured environment as an alternative to serving a jail or prison term. The GARDEN program accommodates as many as six women and includes courses and counseling programs tailored to teach women responsibility and decision making skills.

Lastly, the Community Connection Graduate Program involves graduates from the CrossRoads and GARDEN programs. Community Connection encourages women to work and attend school while providing them with a support network to ensure their success.

The success of Evangel Homes is evident in the many women and children who have walked out of its doors to productive and successful lives. Annually, Evangel Homes gives shelter to more than 300 women and 200 children. The mission of Evangel Homes goes far beyond giving material support to women in need. Instead, Evangel Homes gives women nurturing support in a structured environment so that they may be taught self-reliance and responsibility.

Evangel Homes recognizes that those who seek its help have the ability to make their own choices. Through spiritual guidance and counseling, Evangel Homes strives to erase the effect of what it calls "disaffiliation" or the feeling of isolation and disassociation from anything positive in their lives that many women and children feel as an effect of their disordered lives. Through programs designed to give women and children the structure, the hope, and the tools for rebuilding their lives, Evangel Homes gives women and children a "chance for change."

I congratulate Evangel Homes on their 50th anniversary and wish them much continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:50 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3707. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the designation of an officer for the position of Agency Environmental Executive; to the Committee on Environment and Public Works.

EC-3708. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-3709. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing" (FRL No. 7961-9) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3710. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference; Correction" (FRL No. 7962-6) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3711. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request" (FRL No. 7962-4) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3712. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination for the position of Controller, Office of Federal Financial Management, received on August 17, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3713. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Office of Government Ethics' FAIR Act Inventory for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3714. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7885) (44 CFR Part 64) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3715. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Center Facility Standards" (RIN3095-AB31) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3716. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Information Technology Exchange Program" (RIN3206-AJ91) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3717. A communication from the Director, Center for Talent and Capacity Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Examining System" (RIN3206-AK85) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3718. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service; Career and Career-Conditional Employment" (RIN3206-AJ28) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3719. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Exclusion of U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions" (RIN1018-AT95) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC-3720. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List of Scimitar-Horned Oryx, Addax, and Dama Gazelle as Endangered" (RIN1018-AI82) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC-3721. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerance" (FRL No. 7731-6) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3722. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7732-3) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3723. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerances for Emergency Exemption" (FRL No. 7719-8) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3724. A communication from the Director, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices" (RIN2900-AL12) received on August 31, 2005; to the Committee on Veterans' Affairs.

EC-3725. A communication from the Chief, Regulations Management, Office of Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Audits of States, Local Governments, and Non-Profit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (RIN2900-AJ62) received on August 23, 2005; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself, Mr. INHOFE, Mr. SANTORUM, and Mr. COBURN):

S. 1689. A bill to state the policy of the United States on international taxation; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. SESSIONS):

S. 1691. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. JOHNSON, Mrs. MURRAY, Mr. SALAZAR, Mr. DAYTON, Ms. CANTWELL, and Mrs. CLINTON):

S. 1692. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 1693. A bill to amend the Internal Revenue Code of 1986 to allow the temporary expensing of equipment used in refining of liquid fuels; to the Committee on Finance.

By Mr. BURR (for himself and Mr. ALLEN):

S. 1694. A bill to require the Secretary of Energy to submit to Congress a report describing the method by which existing reporting systems within the Department of Energy can be coordinated to provide timely reporting of significant supply interruptions in the transmission of petroleum and petroleum-related products; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1695. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN):

S. Res. 236. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 895

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1112, supra.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S. 1386

At the request of Mr. MARTINEZ, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1515

At the request of Mr. INOUE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1630

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1644, a bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts.

S. 1645

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1645, a bill to establish a first responder interoperable communications grant program.

AMENDMENT NO. 1650

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1650 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were

added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1687

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1687 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1694 intended to be proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that gives students, parents and teachers options and flexibility for meeting accountability and proficiency standards—the No Child Left Behind Flexibility and Improvements Act. My colleague, Senator COLLINS, and I have been working hand-in-hand with Maine's educators to identify problems with the No Child Left Behind Act and develop practical solutions to these issues. The bill we introduce today is the product of our combined efforts.

In 2001, with the passage of the No Child Left Behind Act, Congress, in a bipartisan fashion, set forth a truly ambitious education reform. This is a law that was conceived and created with the worthy intention to provide equal educational opportunity for

every American child. Upon implementation of the No Child Left Behind Act some unforeseen complications of the Act have become apparent. And that is why Senator COLLINS and I called for the creation of No Child Left Behind Task Force in 2003 in response to the concerns we heard in meetings with Maine's education professionals.

As described by the Task Force, "the challenge that the Task Force faced was to confront the issues raised by No Child Left Behind, to ask how the common State and Federal objectives could be met, and to assess how No Child Left Behind and the Maine Learning Results could be coordinated better to the benefit of the citizens of Maine." The members of this Task Force have their fingers on the pulse of their students' needs and are therefore uniquely qualified to assess this law and make recommendations on how to improve it. In March of this year we received the Task Force report, and it is with these recommendations that Senator COLLINS and I could understand its impact on our state and our children, so that we can move forward to improve this law in a meaningful manner.

Maine's No Child Left Behind Task Force issued several recommendations in five major areas: annual yearly progress, assessment and accountability; reading and limited English proficiency students; special education; highly qualified teachers; and funding. The No Child Left Behind Flexibility and Improvements Act addresses each of these areas in several ways. For example, our bill allows local education authorities to use local assessments as opposed to a state-wide test to measure adequate yearly progress.

The Act also gives States additional options for deeming a teacher highly qualified, give schools the discretion to use reading activities grants in a manner that will best address the needs of their students and allows schools flexibility with limited English proficiency students. This is only a sample of the many modifications our bill makes that will results in No Child Left Behind being more effective in the State of Maine.

One of our democracy's most noble goals, still a work in progress, has been to create a level playing field on which our children may strive to learn and reach their potential. Clearly, education, along with the family, plays an integral role in achieving this great imperative, which distinguishes our nation and helps make us worthy of the world's emulation. The No Child Left Behind Flexibility and Improvements Act will help to further this goal.

Ms. COLLINS. Mr. President, along with the senior Senator from Maine, Senator SNOWE, I am today introducing the No Child Left Behind Flexibility and Improvements Act. Our legislation is designed to provide State and local decision makers with greater control options and flexibility in the implementation of the No Child Left Behind

Act of 2002. It would provide common-sense reforms in keeping with the worthy goals of this landmark law.

Since the law's enactment in 2002, I have had the opportunity to meet with many educators, administrators, parents, and officials from my home State to discuss their concerns regarding the implementation of the No Child Left Behind Act reform. In response to their concerns, Senator SNOWE and I commissioned a Maine NCLB task force in March of last year. Our task force included members from every county in our State, and had superintendents, teachers, principals, school board members, parents, business leaders, former State legislators, special education specialists, assessment experts, officials from the Maine Department of Education, a former Maine commissioner of education and a dean from the University of Maine's College of Education and Human Development. In other words, it was a broad-based commission that brought a great deal of expertise, experience, and perspective to the task force's work. I am very grateful for their dedicated service and hard work.

Senator SNOWE and I charged the task force with three core missions: First, to examine the problems facing Maine schools, particularly those in rural areas of our State in implementing the No Child Left Behind Act and to recommend improvements in current regulations and policies; second, to make recommendations for statutory changes in the Federal law; and, third, to provide greater clarity to Maine's educators, parents, and citizens about the law's goals, requirements, and relationship to Maine's own State education reform effort which is known as Maine Learning Results. What we found is there was some confusion about what was required by No Child Left Behind versus what was required by Maine Learning Results and how the two interacted.

The task force met numerous times over the course of the year with the goal of gaining a clearer understanding of NCLB and the implementation issues facing Maine under federal and State education policies. The task force also had the benefit of meeting with officials from the U.S. Department of Education, including then-Deputy Secretary Hickok who twice traveled to Maine to meet with the task force. The task force also met with other state officials who shared their expertise in particular areas.

After the task force completed its work, Senator SNOWE and I met with task force members at the University of Maine in Orono to receive the final report and to discuss the greatest challenges facing Maine with the implementation of both federal and State education initiatives.

I was very impressed with the reports we received from the task force, both the depth and the quality of the task force's analysis, as well as the practicality of its recommendations. I shared

the report with several of my Senate colleagues, including the chairman and ranking member of the Health, Education, Labor, and Pension Committee, as well as with the Secretary of Education Margaret Spellings, and Maine's education commissioner.

I note Secretary Spellings responded with a letter praising the task force for its hard work.

The task force report included 26 recommendations for changes to the No Child Left Behind law or the regulations governing its implementation. The task force provided recommendations in five core areas: Annual yearly progress and assessment, reading and limited English proficiency students, special education, highly qualified teachers and funding. The task force recommendations highlighted the need for greater flexibility for the Maine Department of Education, for local schools to address various implementation concerns facing Maine. Those 26 recommendations provide the foundation for the legislation I am introducing today.

Over the past several months, Senator SNOWE and I have taken these recommendations and worked together to translate them into comprehensive legislation. Our legislation would make significant statutory changes designed to provide greater local control to Maine and greater flexibility to all States in their implementation efforts, not just Maine.

For example, the task force recommended that States be allowed to measure student performance using different models, such as growth models, and that special education experts on the IEP team be allowed to determine the best assessment for special education students. Both of these recommendations are included in our legislation.

We believe that our legislation will provide a strong basis for continuing discussions about the implementation challenges facing the States and will highlight key issues requiring further consideration during the reauthorization process, expected to begin later in the 109th Congress.

Although our legislation seeks to improve the NCLB implementation process through specific statutory reforms, we recognize that, in some cases, the goals of our legislation may be accomplished more quickly through changes to guidance and regulations from the Department of Education, or through amendments to the states' own implementation plans. We will continue to seek additional flexibility through these avenues to address the immediate implementation concerns facing the States, and believe that our legislation provides a useful guide to federal and State officials in these efforts.

Our legislation is a comprehensive effort to address the concerns raised by our task force and includes the following provisions:

First, our legislation would provide new flexibility in the design of state

accountability systems used to determine "adequate yearly progress" or AYP. Our legislation would explicitly permit a state to include additional models "discussed further below" in its State plan to demonstrate student progress. Even if a school is unable to meet the trajectory targets set by the NCLB time-line, a school would not be identified as failing to make AYP provided it demonstrates improved student achievement according to these additional models. The principle here is one of more accurately assessing whether all students are continuing to make progress.

Our legislation specifically outlines three additional models that would be permitted under the statute: No. 1, a cohort growth model, which demonstrates student progress by following the same cohort of students over time; No. 2, an indexing model, which demonstrates student progress through improved performance for students below the proficient level—for example, improvement from a below basic to a basic level; and No. 3, "top performing schools" model, which demonstrates improvement through progress in closing the achievement gap between the lowest performing students and, for example, student performance at the State's top 20 percent of schools.

The list of models in our legislation is not exclusive, and this section reflects our interest in permitting a far greater diversity in the types of State accountability systems acceptable under the statute. We would also require the Secretary to provide examples of these models to give practical assistance to States in the design of these systems. While the trajectory goals set in the statute are certainly valuable, our legislation seeks to clarify that States should be granted greater flexibility in the design of different accountability systems provided that they are consistent with the principle of improved student performance.

Second, our legislation would modify the existing "safe-harbor" provision to allow more schools to take advantage of this provision. The "safe-harbor" provision in the law is really another example of an improvement model already permitted under the statute. In order to qualify for the safe-harbor provision under current law, schools must reduce the number of students scoring below the proficient level by 10 percent in a single year.

As the task force found, this has proven to be a difficult threshold to meet, which has resulted in an underutilization of the safe harbor provision. Therefore, we have modified the safe harbor to require only a 5 percent decrease in the number of non-proficient students, or an aggregate decrease of 10 percent over 2 years. Our modification would reflect what education assessment experts already know: Significant gains in academic achievement tend to occur gradually and over time.

Third, our legislation also would provide new flexibility related to the statute's 100 percent proficiency requirements for 2013-2014—another specific recommendation of the task force. Our bill would require the Secretary of Education to conduct a review every three years to determine the progress of the 50 States towards meeting the 100 percent goal of the statute by 2013-2014. The Secretary would then be permitted, at her discretion, to make modifications to the requirements of the 12-year time-line if she determines modifications are necessary and in keeping with the broader purposes of the law.

Fourth, our legislation would also provide greater predictability to the school identification process, and limit school identification to those schools most in need of improvement. Currently, a school is designated as "in need of improvement" after it fails to make AYP for 2 years in a row in the same subject, regardless of what subgroup has failed to make AYP. Our legislation would require that in order to be found in need of improvement, a school would need to fail to make AYP in both the same subject area and with respect to the same subgroup of students 2 years in a row.

As our task force noted, the current rules can be extremely frustrating for school administrators who work hard to address a reading concern with one group—for example, LEP students—in year one, only to subsequently be identified in need of improvement when they learn that a different subgroup—for example, special education students—failed to make AYP in year two.

We must provide our schools with notice and an ability to work to improve student performance before they are identified as in need of improvement. I share the task force's concern that without these modifications, we risk quickly reaching a point where so many schools are found to be in need of school improvement, that the identification becomes meaningless. Worse yet, over-identification of schools creates the risk of having improvement resources spread too thin to make a difference in helping the schools that truly need assistance.

Fifth, our legislation would provide additional flexibility for teachers of multiple academic subjects at the middle and high school level in meeting teacher quality requirements. The task force heard from many teachers in Maine about the burden the current requirements have placed on teachers in small and rural schools. Our legislation provides new options for these teachers to become highly qualified. It also would allow teachers of history, geography, civics, and related subjects to demonstrate subject area knowledge through the obtainment of a general State social-studies certificate.

Sixth, our legislation addresses concerns about limited English proficient students. The task force was concerned about an unintended consequence of

the current law, whereby once a student becomes proficient in English, that student may no longer be included in the LEP subgroup. Federal officials have taken steps to address this issue, but our legislation would go further to correct this problem. Our bill would allow a school to continue to count students who have attained English proficiency for purposes of calculating AYP until the student graduates from high school.

Seventh, our legislation would clarify that local assessment systems are permissible under NCLB. This was an issue of some confusion in Maine, despite the fact that I had written a letter to then-Secretary Paige and received strong assurances of the acceptability of such systems. Both Nebraska and Iowa have been approved to use local assessment systems to meet NCLB assessment requirements. Although Maine continues the process of developing its own local assessment system pursuant to state requirements, I am confident that nothing in the federal statute would preclude Maine from incorporating a local assessment system at a time when state officials decide they are ready to pursue this option. But our bill makes this crystal-clear.

Eighth, our legislation would also revise upward the minimum amount of funding required for the assessment provisions to go into effect for fiscal years 2006 and 2007. This change is based on a recommendation by the task force that efforts be made to ensure adequate funding for the requirements of the statute.

These revised levels are based on a GAO report that I required as part of the conference report to NCLB. The GAO report estimated that although most States, including Maine, had the majority of their assessment costs covered, particularly in the early years, additional resources would be needed in future years as the assessment requirements increased. The report estimated that Maine would have 86 percent of its assessment costs covered through 2007, and while this is significant funding, additional funding will ensure that all States have the resources they need, particularly for the adaptation of tests for LEP and special education populations.

Finally, our legislation would also address concerns that some special education students are being required to take grade-level assessments that are inappropriate for them. Our legislation would build on the important new flexibility the Secretary has provided in this area. Our legislation would allow the student's IEP team to determine the appropriate test for a student, and if a special education student achieves a proficient score on this test, the student will be deemed proficient for AYP purposes. The IEP requirements of the Individuals with Disabilities Education Act—IDEA—will ensure both parent involvement in this process, and increasingly higher expecta-

tations for these students. We agree with the task force that the involvement of parents and the IEP team will serve as an important safeguard to ensure that those special education students who can be assessed according to State-determined grade-level expectations will be encouraged to do so.

Our legislation is a comprehensive effort to provide greater flexibility and common-sense modifications to address the key NCLB implementation challenges facing Maine, and other States. At the same time, our legislation remains true to the important goals of NCLB, such as increasing accountability, closing the achievement gap, and improving student performance. I look forward to working with my colleagues to improve this landmark law during the reauthorization process.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; to the Committee on Finance.

Mr. President, a little over 2 weeks ago, the Gulf Coast region endured a tragedy of historic proportions. I have heard personal accounts of how Americans across this country have come together in a communal effort to help those affected. Congress needs to come together to pass tax relief that will help those in need.

The total damage left in the wake of Hurricane Katrina is unknown. But the latest numbers are overwhelming. 377,000 displaced persons are spread across 33 States and the District of Columbia. They have sought refuge in shelters, hotels, homes, and with family all over the country. They are hungry. They are homeless. And they need our immediate help.

Millions of Americans immediately swung into action to help by donating goods, time, and money to their Gulf Coast neighbors. In my home State of Montana, thousands have risen to the occasion to offer a helping hand to those who have been hit by the effects of Hurricane Katrina.

Four firefighters have been dispatched from Kalispell to New Orleans to act as community liaisons. Forty-four Montana Red Cross volunteers are already assisting Katrina victims.

Students at Rose Park Elementary School in Billings are making handmade cards to raise money. Players and coaches of the Billings Bulls hockey will hold an auction next week. Each will provide one day's worth of labor and the proceeds will go directly to the Red Cross.

In Three Forks, volunteers with the Veterans for Foreign Wars and Boy Scouts will be combing the streets with buckets asking for donations.

In Bozeman, the local National Guard members and Gallatin County emergency service workers collected

cash donations from spectators at the first Montana State University home football game last Saturday. Immediately after the game, a free concert took place and the Red Cross was present to accept contributions.

The Gallatin County Sheriff's Office sent 120 dolls and blankets to children caught in the disaster.

The Greater Gallatin United Way has decided to "adopt" Alexandria, Louisiana, a town that has taken in more than 6,500 evacuees, in an effort to focus its giving on one geographic area. Mount Ellis Academy students raised nearly \$10,000 for the United Way last Sunday afternoon.

And businesses are also rising to the cause. Ag Express, a Billings-based trucking company, is collecting donations of clothing, blankets, diapers, water and other supplies. The company is working with FEMA and plans to leave Thursday to deliver the load to Baton Rouge, LA.

Wheat Montana Bakery, Carpet One and Corcoran Trucking worked together to send 4,600 loaves of bread and 41,000 hamburger buns to the Astrodome in Houston, TX.

In Three Forks, Hegar's Septic Service is giving \$5 to the Red Cross for every septic tank it pumps.

First Security Bank in Bozeman, MT is sending a freight truck with bottled water and medical supplies. They are also donating eight ATM machines to the Louisiana Banker Association. They will be hooked up to temporary banking stations in areas that already have electricity.

Mr. President, I am proud of the spirit and generosity of the citizens and businesses of Montana and across this country. It is with this spirit in mind that I offer a tax relief package for the victims of this tragedy. My good friend Senator GRASSLEY and I worked closely with our Senate Colleagues in this effort. All six Senators from the affected States are cosponsors.

The relief package is aimed at four needs of the victims of the hurricane. One, they need cash and they need it fast. Two, they need jobs. Three, they need decent housing. And four, charities need help from Congress so they can help the victims of the hurricane.

First, displaced persons need money. Some of these displaced persons left everything behind. They need cash to buy basic essentials such as food and water.

Our bill allows victims of Hurricane Katrina to access retirement accounts for immediate cash assistance. Under current law, there is a 10 percent penalty for early distributions of money in these accounts. We waive that penalty and allow displaced persons to re-contribute to the retirement account over a 3-year period.

Second, many of these displaced persons want to get back into the workforce. We provide businesses with the tools they need to hire displaced workers. The Work Opportunity Tax Credit allows employers to claim a credit against wages paid to new workers that

face barriers to employment. It applies to low-income families, veterans and other targeted groups. We expand the Work Opportunity Tax Credit to cover all survivors of Hurricane Katrina who lived in the disaster zone and became unemployed as a result of the hurricane.

We also allow employers located in the disaster zone to take a 40 percent tax credit on wages paid to employees on the first \$6,000 of pay.

Third, the people affected by this tragedy need shelter. They need a warm, safe place to rest. Many folks across the country have opened up their hearts and opened up their homes. But it is not easy. It means extra living expenses—the water bill will be higher, the electric bill will be higher, and the grocery bill will be higher. This is a considerable burden that folks are doing voluntarily, out of the goodness of their hearts. We need to help.

That's why we allow individuals to claim an additional personal exemption of \$500 for each displaced person they shelter for a minimum of 60 days. This money will help offset the costs incurred by these generous individuals.

Finally, the victims need the generosity of individuals and businesses across this country. There has been a surge in giving to charitable organizations and we should encourage this activity. Our bill provides incentives for corporations to increase gifts of cash, food, books and other items sorely needed in the affected areas and communities.

We also allow taxpayers to transfer money in retirement accounts to a charitable organizations tax free.

The Nation is depending on Congress to act, and to act quickly. I think we have responded with a good bill that provides swift relief for the millions affected by this catastrophe.

Hurricane Katrina will exacerbate the existing problems of poverty and the working poor. The images we have seen of Katrina's poverty-stricken victims over the last few weeks should serve as a wake-up call to policymakers—we must do more to help them help themselves.

I am currently drafting changes to the tax code which will enhance current incentives for the working poor and especially those with children. I look forward to working with my Colleagues in this effort as we continue to help those affected by Hurricane Katrina get back on their feet.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, A TREATMENT, AND AN EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 236

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under diagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and under diagnosed disorder: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of the Coalition for Pulmonary Fibrosis and its partner organizations for their great efforts to educate, support, and provide hope for individuals who suffer from idiopathic pulmonary fibrosis, including the work of the Coalition to organize a national "Idiopathic Pulmonary Fibrosis Awareness Week";

(3) supports the designation of an appropriate week as "Idiopathic Pulmonary Fibrosis Awareness Week";

(4) congratulates the Coalition for Pulmonary Fibrosis for its efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(5) supports the goals and ideals of a national "Idiopathic Pulmonary Fibrosis Awareness Week".

Mr. COLEMAN. Mr. President, I am pleased to join my friends Senators LUGAR and BINGAMAN, today in submitting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

Idiopathic Pulmonary Fibrosis (IPF) is a devastating lung disease affecting

over 80,000 Americans with 31,000 more Americans diagnosed each year. IPF scars the lining of the lungs and makes it hard for oxygen to be transported to the rest of the body. It negatively affects the ability of major organs to function normally and impairs breathing.

The National Idiopathic Pulmonary Fibrosis Resolution seeks to increase awareness, encourage further research, and support the goals of National Idiopathic Pulmonary Fibrosis Awareness Week.

Until the day when every American can live a life free of lung disease, we must continue to promote awareness, and strengthen our investment in research, diagnosis and treatment.

I urge my fellow colleagues to join me and Senators LUGAR and BINGAMAN in raising awareness of Idiopathic Pulmonary Fibrosis by supporting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1697. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1703. Mr. PRYOR (for himself, Ms. MRKULSKI, Mr. SALAZAR, Mr. NELSON of Florida, Mr. HARKIN, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment to the bill H.R. 2862, supra.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2862, supra.

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU and Mr. KENNEDY) submitted

an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. SMALL BUSINESS EMERGENCY RELIEF.

(a) DEFINITIONS.—As used in this section—
(1) the term “covered loan” means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—

(i) is located in a disaster area; and

(ii) has been adversely affected by Hurricane Katrina;

(2) the term “disaster area” means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term “small business concern” has the same meaning as in section 3 of the Small Business Act; and

(4) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(b) TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to Hurricane Katrina, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

“(A) REFINANCING DISASTER LOANS.—

“(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the ‘disaster area’) and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

“(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(B) REFINANCING BUSINESS DEBT.—

“(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause,

payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

“(5) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed \$10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

“(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.

“(7) LIMITATION ON SALES OF LOANS.—No loan under this subsection, made as a result of Hurricane Katrina, may be sold.”.

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking “, (2), and (4)” and inserting “and (2)”;

(B) by striking “, (2), or (4)” and inserting “(2)”.

(3) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration \$117,000,000, to make covered loans under section 7(b) of the Small Business Act.

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower during the time period described in paragraph (2).

(2) TIME PERIOD.—The time period under paragraph (1) shall begin on the date of enactment of this Act and end on the earlier of the date on which the Administration determines the borrower can resume making payments or the date that is 2 years after the date of enactment of this Act.

(3) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the time period described in paragraph (2), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15

U.S.C. 636(a)) is amended by adding at the end the following:

“(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

“(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

“(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

“(ii) for loans made in cooperation with a bank or other lending institution—

“(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

“(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Administrator shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

“(C) FEES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

“(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

“(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration \$80,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in

which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”

(g) BRIDGE LOANS.—There is authorized to be appropriated \$400,000,000 to provide, through appropriate government agencies in the affected States of Louisiana, Mississippi, and Alabama, bridge grants and loans to small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the “Secretary”) shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under Federal prime contracts and 40 percent of subcontracts described in paragraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to \$5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(A) \$21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, \$15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(B) \$2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(C) \$4,500,000, to be used for activities of women's business center authorized by section 29(b)(4) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, whose 5-year project ended in fiscal year 2004, \$2,500,000 of which shall be non-matching funds used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(D) \$1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, \$750,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina; and

(E) \$5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(B) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking “\$25,050,000,000” and inserting “\$30,550,000,000”; and

(B) in paragraph (1)(B)—

(i) by striking “\$17,000,000,000” and inserting “\$20,000,000,000”; and

(ii) by striking “\$7,500,000,000” and inserting “\$10,000,000,000”.

(j) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (7), as added by this section, the following:

“(8)(A) For purposes of this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

“(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

“(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business

concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(E) For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene” after “civil disorders”; and

(B) by inserting “other” before “economic”.

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (1)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(8) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(8) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(8), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(8) of the Small Business Act, as added by this subsection.

(k) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking “operations have” and inserting “operations (i) have”; and

(ii) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”;

(B) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(C) in the fourth sentence—

(i) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(ii) by inserting “or declaration” after “emergency designation”.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (1)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(1) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (j) and (k) and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Admin-

istration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(8)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (j).

(m) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

(n) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this Act, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this Act and the amendments made by this Act shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, after line 14, insert the following:

SECTION 522. PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.

(a) PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.—A taking or condemnation of any real property under the power of eminent domain pursuant to the Fifth Amendment of the United States Constitution, or under any relevant State constitution, statute, or regulation, shall be only for public use.

(b) APPLICATION.—The requirement under subsection (a) shall apply to all exercises of the power of eminent domain by—

(1) the Federal Government; or

(2) any State or local government.

(c) DENIAL OF FUNDS.—Any State or local government violating the requirement of subsection (a) shall not be eligible to receive any benefits or assistance from the Economic Development Administration, as that Administration is authorized to provide such benefits and assistance under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(d) DEFINITIONS.—In this section:

(1) PUBLIC USE.—The term “public use”—

(A) means any use of property acquired by eminent domain for a public purpose; and

(B) does not include economic development.

(2) STATE.—The term “State or local government” means—

(A) a State, county, municipality, or other governmental entity created under the authority of a State;

(B) any branch, department, agency, instrumentality, or official of an entity listed in subparagraph (A); and

(C) any other person acting under color of State law.

SA 1697. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. COMPENSATION OF BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended—

(1) by striking “\$15” the first place it appears and inserting “\$55”; and

(2) by striking “rendered.” and all that follows through “\$15” and inserting “rendered, which”.

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 9, insert after “Research” the following: “(of which \$400,000 shall be made available for a national waterborne disease recognition and disaster preparedness program at the Arnot Ogden Medical Center in Elmira, New York)”.

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 5. (a) Congress finds that—

(1) Hurricane Katrina made landfall on August 29, 2005, causing a catastrophic degree of human suffering and damage to infrastructure in the Gulf Coast;

(2) the Gulf of Mexico is responsible for more than 25 percent of United States oil production, and in the immediate aftermath of Hurricane Katrina this production capacity was rendered 90 percent inactive;

(3) due to the impacts of Hurricane Katrina, the Louisiana Offshore Oil Port, the largest oil importing port in the United States, was forced to close until September 1, 2005, limiting import capacity and tightening oil supplies;

(4) Hurricane Katrina forced the closure of 9 major refineries, temporarily eliminated more than 12 percent of national refining capacity, and has resulted in the loss of 1,300,000,000 barrels of refining capacity;

(5) in the wake of Hurricane Katrina's devastating impact on the Gulf Coast, the price of crude oil on the New York Mercantile Exchange reached a record high of \$70.85 per barrel, and the national average retail gasoline price reached a record level of almost \$3.06 per gallon;

(6) although the price of crude oil has fallen to levels experienced prior to Hurricane Katrina, the national average retail cost of gasoline has declined much more slowly and remains at near-record levels;

(7) following Hurricane Katrina, retail gasoline prices at some locations increased by as much as \$0.50 per gallon overnight, and, at

many stations, several price increases occurred during the same day;

(8) the rapid, irregular increase in retail gasoline prices and the failure of retail gasoline prices to significantly decline in correspondence with the price of crude oil have raised concerns regarding the possible existence of anticompetitive practices and price gouging in the oil industry;

(9) over the course of the past decade, the Federal Trade Commission has approved a series of mergers, acquisitions, and consolidating actions that have dramatically changed the face, and significantly increased the concentration, of the oil industry;

(10) in 1998 British Petroleum and Amoco were allowed to consolidate, in 1999 Exxon was able to acquire Mobil Oil, in 2000 BP-Amoco was allowed to acquire Atlantic Richfield, Chevron and Texaco were allowed to combine in 2001, and in 2005 ChevronTexaco was permitted to acquire Unocal and Valero was allowed to create the largest refining company in the United States when Valero was granted permission to buy Premcor;

(11) following these mergers, the 5 largest oil companies in the United States control almost as much crude oil production as the Middle Eastern members of the Organization of the Petroleum Exporting Countries, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(12) during the second quarter of 2005, the earnings of Exxon Mobil increased by 35 percent over 2004 earnings, and BP, Royal Dutch Shell, and ConocoPhillips enjoyed increases of 29 percent, 34 percent, and 51 percent, respectively, as a result of sustained and severe increases in oil prices.

(b) In order to ensure that the level of concentration in the oil industry is not allowing market participants to engage in anticompetitive practices or price gouging, the Attorney General of the United States shall conduct a review of the consolidations of British Petroleum and Amoco, Exxon and Mobil Oil, BP-Amoco and Atlantic Richfield, Chevron and Texaco, ChevronTexaco and Unocal, Valero and Premcor, and any other mergers the Attorney General determines to be appropriate to ensure that the conditions created by the mergers are not facilitating anticompetitive practices, retail gasoline price gouging, or any other conditions that are unduly detrimental to consumers, as determined by the Attorney General.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. RADIO CONSOLIDATION STUDY.

(a) **IN GENERAL.**—Of the amounts made available under the heading “Federal Communications Commission, Salaries and Expenses”, such sums as may be necessary shall be available to the Federal Communications Commission to conduct a study on consolidation within the radio industry since the Commission's rules on ownership were relaxed with the passage of the Telecommunications Act of 1996.

(b) **CONTENT.**—The study required under subsection (a) shall include an examination of the changes in various aspects of the commercial broadcast radio industry as a result of the implementation of the changes in section 202 of the Telecommunications Act of 1996, including—

(1) radio station ownership at both the national and local levels;

(2) the number of commercial radio stations;

(3) the number of radio station owners;

(4) the size of the largest radio station owners;

(5) the variety of radio formats available to consumers;

(6) the financial performance of publicly-traded radio companies;

(7) the performance of small radio station-groups in relation to the performance of large radio station-groups;

(8) the share of total radio advertising revenues accounted for by the largest radio station owners;

(9) the overall trend toward consolidation of radio station ownership; and

(10) the prevalence of cross ownership and joint ventures by radio station owners with concert promoters and venues.

(c) **TIMING.**—Not later than 6 months after the date of enactment of this Act, the Federal Communications Commission shall complete the study required under subsection (a).

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by \$5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by \$5,000,000.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 25, strike “\$515,087,000” and insert “\$534,987,000”.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike “\$60,100,000” and insert “\$80,000,000”.

SA 1703. Mr. PRYOR (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than \$1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the

aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of \$500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3))) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS))

proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 142, after line 3, insert the following:

SEC. _____. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. _____. (a) This section may be cited as the "Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act".

(b) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by inserting "either Corporation funds or" before "funds derived";

(B) in clauses (i) and (ii)—

(i) by inserting ", or has been a victim of sexual assault or a victim of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), before "in the United States"; and

(ii) by striking "by a spouse" and all that follows and inserting a semicolon;

(C) in clause (ii), by striking the semicolon and inserting "(without the active participation of the alien in the battery, extreme cruelty, sexual assault, or trafficking); or"; and

(D) by adding at the end the following:

"(iii) an alien who qualifies or whose child qualifies for status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).";

(2) in subsection (b)—

(A) by striking "subsection (a)(2)(C)" and all that follows through "(1) The" and inserting "subsection (a)(2)(C), the"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) CONSTRUCTION.—Nothing in the amendments made by the Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act shall be construed to limit the legal assistance provided under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)) to victims of severe forms of trafficking in persons."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing entitled "Climate Change Science and Economics" will

be held on Tuesday, September 20th at 10 a.m. in Room SD-366. This is a continuation of the hearing held on July 21, 2005.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: John Peschke or Shannon Ewan.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, September 22, 2005, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Tom Lillie or Brian Carlstrom.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 13, 2005, at 10 a.m., to hear testimony on "Charities on the Frontline: How the Nonprofit Sector Meets the Needs of America's Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Tuesday, September 13, 2005 at 9:30 a.m. in the Hart Senate Office Building Room 216.

Witness List:

PANEL I

THE HONORABLE JOHN G. ROBERTS

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 13, 2005, at 10 a.m. to consider the nominations of John R. Fisher to be Associate Judge, DC Court of Appeals; Juliet J. McKenna to be Associate Judge, DC Superior Court; Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority; and Mary M. Rose to be Member, Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. FRIST. I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1613 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1613) to amend the Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1613) was read the third time and passed, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MANDATORY PRICE REPORTING.

Section 942 of the Livestock Mandatory Reporting Act of 1999 (Public Law 106-78; 7 U.S.C. 1635 note) is amended by striking "September 30, 2005" and inserting "September 30, 2006".

MEASURES PLACED ON CAL- ENDAR—S. 1681, S. 1682, S. 1683, S. 1684, AND S. 1688

Mr. FRIST. I understand there are five bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

REMOVAL OF INJUNCTION OF SE- CRETACY—TREATY DOCUMENT NO. 109-3 PROTOCOL AMENDING EX- TRADITION CONVENTION WITH ISRAEL

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2005, by the President of the United States:

Protocol Amending Extradition Convention with Israel (Treaty Document No. 109-3).

I further ask that the treaty be considered as having been read the first

time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol between the Government of the United States and the Government of the State of Israel, signed at Jerusalem on July 6, 2005.

In addition, I transmit for the information of the Senate the report of the Department of State with respect to the Protocol. As the report explains, the Protocol will not require implementing legislation.

The Protocol amends the Convention Relating to Extradition (the "1962 Convention"), signed at Washington on December 10, 1962. The Protocol updates the 1962 Convention in a manner consistent with our modern extradition treaties. The Protocol will, upon entry into force, enhance cooperation between the law enforcement communities of both nations and make a significant contribution to international law enforcement efforts.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2005.

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

I further ask that the time until 11 a.m. be equally divided between the two managers or their designees and that at 11 a.m. the Senate proceed to a vote on a motion to waive with respect to Stabenow amendment No. 1687, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate will return to the Commerce-Justice-Science appropriations bill, and we

expect to complete our work on this bill tomorrow. The managers are working on several of the pending amendments and may be able to accept some of those without the need for rollcall votes. Others will need to be voted on, but we hope to set those votes at an early time tomorrow so that we can finish this bill as soon as possible.

There are a lot of amendments remaining on the list, but I would hope Senators do not feel at all compelled to offer those amendments. We have been on this bill since last Thursday. Senators have had ample time to draft and offer their amendments, and therefore I would ask Senators to notify the managers if they intend to offer additional amendments.

The first vote will occur at 11 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 14, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2005:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SHANA L. DALE, OF GEORGIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE FREDERICK D. GREGORY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD A. GAMBATESA, OF VIRGINIA, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE EVERETT L. MOSLEY.

DEPARTMENT OF STATE

CARMEN MARIA MARTINEZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

THE JUDICIARY

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE KARL S. FORESTER, RETIRED.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. MALONEY Mr. Speaker, on September 8, 2005, I was unavoidably detained and missed rollcall votes numbered 458, 459, 460, 461, 462, 463, and 464. Rollcall vote 458 was on ordering the Previous Question for a bill providing for consideration of motions to suspend the rules. Rollcall vote 459 was on agreeing to the Resolution providing for consideration of motions to suspend the rules. Rollcall vote 460 was on the motion to suspend the rules and agree to H.R. 3673, a bill to further Emergency Supplemental Appropriations, Hurricane Katrina, 2005. Rollcall vote 461 was on the motion to suspend the rules and agree to H.R. 3669, a bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program. Rollcall vote 462 was on the motion to suspend the rules and agree to H.R. 3668, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. Rollcall vote 463 was on the motion to suspend the rules and agree to H. Res. 428, a bill expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina. Rollcall vote 464 was on the motion to suspend the rules and agree to H. Res. 427, a bill relating to the terrorist attacks against the United States on September 11, 2001.

Had I been present I would have voted "nay" on rollcall votes 458 and 459 and "yea" on rollcall votes 460, 461, 462, 463, and 464.

HONORING MR. HYMAN BOOKBINDER: INDEFATIGABLE BATTLE FOR HUMAN RIGHTS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. CAPPS. I rise today to pay tribute to Mr. Hyman Bookbinder, one of our nation's leading advocates for human rights and equality.

The terrible stories and photographs coming out of Louisiana and Mississippi remind us that, among other things, there still is a race divide in America. This is not to say that the response to the disaster was dictated by racial considerations. But it is to say that sadly no accident that the segment of the population that bore much of the brunt of the suffering was predominantly poor and black.

At the same time, we can say with some pride that our country has made significant

progress toward a more just society. It's far from enough but giant strides have been made, particularly in the area of social equality.

An article in Sunday's Washington Post reminded us that these advances did not just happen. They happened because heroes among us made them happen. I have attached a copy of the article for my colleagues.

The article tells the story about the successful 1960 effort to integrate Glen Echo Park, an amusement park in Montgomery County, Maryland, just outside the District line. Glen Echo was a fabulous place of swimming pools, dance halls, carousels, a roller coaster and other summer time amusements. It was so popular that a DC trolley from the Capitol Hill area—and neighborhoods east—was constantly full with kids heading northwest and up MacArthur Boulevard to this delightful recreation spot.

But not African American kids. They were allowed on the trolleys but banned from the park. And the ban was enforced by the Montgomery County police.

In 1960, a group of courageous Howard University students—Dion Diamond, Michael Proctor, and Gwendolyn Britt (now a Maryland state senator)—decided to test the race policy by riding the merry-go-round. They were abused and kicked out.

So they turned to ask for help from the prosperous white Bannockburn community living near the park. And, almost immediately, a movement erupted. Hyman Bookbinder, an AFL-CIO official, and long-time lobbyist for civil rights and Jewish causes, used his organizing and public relations skills to force the owners of Glen Echo Park to back down. Bookie, as everyone calls him, was later an aide to Presidents Kennedy and Johnson. Esther Delaplaine organized the mothers and Ida Leivick, a teacher at the local school, worked with her colleagues. Finally the Supreme Court stepped in and forced Glen Echo either to open up or shut down.

The Howard/Bannockburn coalition had prevailed.

This past Saturday, the people who made it happen gathered at Glen Echo to commemorate a moment in time when all things seemed possible in America.

They still are. We just need more people who are willing to stick their necks out the way these Howard University students and suburbanites did in 1960.

I particularly want to salute Hyman Bookbinder. He is now 89 and over the past sixty-five years, he has been at the forefront of the struggle for human rights, not just down the street in Montgomery County but throughout the world. I've been in the House of Representatives for eight years but I have heard about Bookie's years as a civil rights lobbyist when he was known as the 101st Senator. When people were suffering, he was here fighting, pushing, and cajoling to make things better.

He has helped change this country.

To put it simply, we need more people like Bookie. Thankfully he is still here, always

fighting the good fight and living the Biblical injunction: "Justice, justice, you shall pursue."

[From washingtonpost.com, Sept. 11, 2005]

MARKING A PARK'S SOCIAL REVOLUTION

(by Ann E. Marimow)

The last time Dion Diamond walked through the gates of Glen Echo Amusement Park, he was ushered out after two minutes. The last time Michael Proctor tried to ride the merry-go-round there, he was arrested.

That was in 1960, when blacks were not allowed to swim in the park's famed Crystal Pool, with its slide and fountain, and also could not ride on the roller coaster.

On Saturday, the two civil rights activists returned for the first time to mark the anniversary of the picket lines that led to the desegregation of the park and ultimately to a U.S. Supreme Court case.

"I was never in here for more than a couple minutes," said Diamond, 64, laughing and shaking his head in disbelief as he looked out at the same carousel, with its ornate woodcarved horses and cheerful organ music.

Even though the park's private owners quietly opened the gates to all in 1961, Proctor had never returned.

"I told my kids about it," the Hughesville doctor said. "But way down deep, there were some negative feelings."

The effort to integrate Glen Echo Park, in the summer of 1960, came after the first sit-ins at segregated lunch counters in North Carolina and during student protests throughout the region.

But Glen Echo Park was notable because of the support the protesters, black Howard University students, received from white residents of the nearby Bannockburn neighborhood, some of whom were experienced labor leaders. They walked side by side for five weeks that summer—and they came together again yesterday.

Browsing a collage of black-and-white photos and yellowed newspaper clippings, they recalled some of the most dramatic moments when Proctor and four other members of the D.C. Non-Violent Action Group were arrested for refusing to get off the merry-go-round.

In 1964, the Supreme Court ruled that the Montgomery County deputies had improperly enforced private segregation.

Outside the park gates in 1960, the students brought a sense of fearlessness and enthusiasm. Stay-at-home mothers from Bannockburn were the reliable foot soldiers on the picket line, and the labor leaders brought political connections and organizing strategies.

Esther Delaplaine, who lived five blocks from the park, mobilized fellow mothers. She recalled the intense pain and frustration of the time. "We could ride the merry-go-round, but [black students] got arrested," said Delaplaine, 81.

Her daughter Rocky led yesterday's gathering of 300 people in an emotional rendition of "O Freedom," a song that was sung on the picket line.

Hyman Bookbinder, then an AFL-CIO lobbyist for civil rights, was joined yesterday by his daughter and granddaughter. "The movement wasn't only for us old-timers. It was for our families," said Bookbinder, 89. "This event is a reminder."

For some involved in the sit-ins and picket lines, it was too painful to return. Those who attended said it was as if they were transported in time.

• 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.

Seeing the trolley car parked in front of the gates, Tina Clarke said she felt like a teenager again, as she was when she protested with the county chapter of the NAACP. She said she still could feel the spit on her cheek from a white male heckler that stained the white collar of her blouse.

"There is no time frame on when pain and suffering should end," said Clarke, 67, African American liaison for Montgomery County Executive Douglas M. Duncan (D).

Clarke said she had to explain to friends and relatives who questioned her decision to return to the park that it is now an arts and cultural center operated by a nonprofit partnership with lands managed by the National Park Service.

"It's not just my history; it's our history," she said. "It's part of what helped us get to where we are today. If none of these things happened, where would we be?"

But the park is a troubling memory for some who were children at the time. When Vernon Ricks drives past the park from his home in Potomac, he remembers riding the trolley car to the entrance on Sundays. From the windows, he could see the neon lights, the merry-go-round and the wooden roller coaster, but he could not enter. He attended the gathering because his wife, Janet, wanted to "start the healing of a scar," she said.

"To me, it is still a symbol of segregation," said Ricks, 66. "I'm still not happy to be here."

Later, he added, "Don't say I'm coming back."

Taking her husband's hand, Janet Ricks said, "Yes, you are. Yes, you are."

HONORING NORTH OAKLAND MISSIONARY BAPTIST CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. LEE. Mr. Speaker, I rise today in honor of North Oakland Missionary Baptist Church of Oakland, California on the occasion of its 100th anniversary.

Organized between 1904 and 1905, the church was originally known as Richard Clark Memorial and then as North Oakland Church of Christ before adopting its current name. North Oakland's congregation began as a small handful of faithful community residents that met at members' homes and other locations before pooling their resources to build the first church on Alden Street. Reverend J.A. Dennis was designated as the first pastor of North Oakland in 1905, and remained there until 1908.

Throughout the twentieth century and into the twenty-first, North Oakland has been guided by a number of visionary leaders who have implemented a wide variety of forward-thinking, community-enriching programs.

Under the leadership of Dr. G.C. Coleman from 1913 until 1942, North Oakland was institution where members of the black community, particularly those returning from World War I, could become active in community service efforts. Dr. Coleman regularly wrote local newspapers to articulate the need for improvement in job prospects and housing for African Americans, and made North Oakland an active force in the community throughout the 1930s. Dr. Coleman was also instrumental in the creation of the organization now known as the St.

John Missionary Baptist Association of Northern California and Nevada. Since 1910, North Oakland has sent numerous messengers and delegates to the association's conventions, where Dr. Coleman served as Moderator for more than 20 years.

Following the passing of Dr. Coleman, Dr. Ansel O. Bell was elected pastor in 1942. During the war years the church membership grew significantly, and under Reverend Bell's tenure that number reached more than one thousand, an increase which necessitated the construction of a new church in 1960.

Reverend Bell was succeeded in 1967 by Reverend C.B. Murray. During his 15-year tenure, Reverend Murray presided over several structural improvements to the church, merged the Senior, Men's and Women's Choirs into one, and started "The Voice of Africa," a North Oakland initiative that resulted in church missions to Haiti and Liberia. He was well known throughout local, State, and national faith organizations, and also served as the First Vice-Moderator of the St. John Missionary Baptist Association of California until his death in 1982.

After the interim pastorate of Reverend Sylvester Rutledge from 1982 until 1984, Dr. Lloyd C. Blue served as North Oakland's pastor from 1984 until 1990. Upon his retirement, Reverend Rutledge again served as interim pastor, and was selected in 1991 as the pastor of North Oakland Missionary Baptist Church, a capacity in which he continues to serve today. Reverend Rutledge came to North Oakland in 1964, under the pastorate of the late Reverend Bell. He served as Associate Sunday School Teacher in the Young Adult Class and also served as a teacher in the Children's Class. Selected as a candidate for deaconship in 1966 and ordained in 1968, Reverend Rutledge has served North Oakland and our community with distinction for over 4 decades.

In recent years, North Oakland has remained at the forefront of community building and improvement efforts throughout the City of Oakland. Most notably, North Oakland recently celebrated the opening of Sylvester Rutledge Manor, a 65-unit affordable apartment complex for low-income seniors that the church developed in partnership with Oakland Community Housing, Inc. This development, completed in July 2003, is located directly adjacent to the church property and is an important step forward in the ongoing struggle to secure affordable housing for all people in our community. Through this effort, the North Oakland Missionary Baptist Church Family is once again letting its light shine on what is often-times a gloomy reality for many, and continues to lift us all up through its unfaltering devotion to its members and our community. They have been given a heart of wisdom and knowledge by which their loving kindness and compassion have transcended beyond their walls.

During the month of September 2005, North Oakland Missionary Baptist Church will be celebrating its centennial anniversary in Oakland, California. Throughout the last century, North Oakland's members and leaders have worked tirelessly to provide support and guidance for countless individuals. As members and friends from throughout our community and beyond gather for the series of celebrations that will mark this historic occasion, it is my pleasure to add my voice to theirs in thanking North Oakland Missionary Baptist

Church for its years of dedicated service to the 9th Congressional District, to the Bay Area and to our entire country.

HIKING AND CAMPING IN SAWTOOTH NATIONAL RECREATION AREA AND WHITE CLOUD MOUNTAINS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SIMPSON. Mr. Speaker, last month I had the pleasure of hiking and camping in Idaho's rugged Sawtooth National Recreation Area (SNRA) and White Cloud Mountains. In part, my trip was a tour of areas that would become wilderness and lands that would be released from wilderness study as part of my bill, H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA).

The beauty of the mountains and lakes that I viewed is difficult to describe. From the solitude of Castle Lake to the majestic views from Baker Lake towards Castle and Merriam Peaks, it is difficult not to be in awe of the Boulder-White Clouds.

I would like to thank the United States Forest Service for making this trip possible. In particular, Ed Cannady, Sawtooth National Forest Recreation Manager who did an exceptional job in planning and guiding us on the trip. It was also a pleasure to have the Supervisor of the Sawtooth National Forest, Ruth Monahan, the SNRA Area Ranger, Sara Baldwin, and the Deputy SNRA Deputy Area Ranger, Joe Harper join us on our trip. These folks represent the Forest Service very well.

Finally, I want to thank Debra Peters, SNF Trail Maintenance Foreman and Raina Phillips, SNF Wilderness Ranger for packing us in. Those young women showed a lot of experience in working with pack stock, and it's great to see the Forest Service employs such talented stock hands.

Mr. Speaker, I look forward to future trips into the Boulder-White Clouds and will continue to work on CIEDRA so that all Americans can enjoy the area for all forms of recreation.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 2, 2005

Mr. MEEHAN. Mr. Speaker, for those of us not on the Gulf Coast, it is impossible to comprehend the experience of those whose lives have been upended by the brute force of Hurricane Katrina. New Orleans and much of the Gulf Coast are a disaster area—bodies float in floodwaters that still rise unchecked, power is out, looters steal without fear, and violence is widespread. Our Nation grieves with the residents and survivors and we will stand with them during the long road to recovery.

Hurricane Katrina appears to be headed for the history books as one of the worst national disasters ever to hit the United States. Yet the deeper tragedy is not just how large a toll this storm will eventually take, but how avoidable it all could have been.

The devastation wrought on the Gulf tonight is the result of two terrible disasters. The first was the fury of nature. The other is the unnecessary consequence of this government's inexcusable failure to prepare for the inevitable.

The primary function of a government is to ensure the safety of its citizens. This Congress and this Administration have failed to do so in the most incompetent and willfully negligent way imaginable.

This hurricane was not a surprise. For decades meteorologists, State and local officials, Army engineers, academics, and, yes, FEMA have warned that a Category Four or Five hurricane hitting New Orleans was among the top three most likely major disasters to affect the United States and that we must be prepared. The most recent analysis was conducted just last year, where a computer simulation of the fictional "Hurricane Pam" pounded New Orleans much as Katrina did, pushing the waters of Lake Pontchartrain through the levees flooding the city and stranding 300,000 poor and African-American New Orleanians.

The day before Katrina reached land, FEMA's own director, Michael Brown, raised the possibility of the levees being breached. On August 28th, Brown told CNN that "we knew from experience, based back in the '40s and even in the late 1800s, if a Category Four or Five hurricane were to strike New Orleans just right, the flooding would be devastating. It could be catastrophic." And yet the President said just yesterday that "I don't think anybody anticipated the breach of the levees."

Plans to prepare for this catastrophe had been developed at FEMA as early as the 1990s when President Clinton's FEMA Director, James Lee Witt, laid out a plan for coping with a nightmare scenario in New Orleans that included pre-positioning hospital ships and pumps to handle the catastrophe. Why this was not done is just the beginning of the laundry list of problems with the response to this disaster. Command and control has still not been established. There are FEMA personnel on site and they can do nothing as they await instructions from the bureaucracy in Washington. When will someone take control? The Gulf Coast desperately needs a leader to emerge at FEMA who can direct its operation. Why has this taken so long?

Lurking just below the surface is another set of troubling questions: What if this had been a terrorist attack? Is our emergency response capability so weak that a levee breach, or power outages, or debris can incapacitate an entire region? President Bush has pledged repeatedly since 9/11, now over 4 years ago, that he would keep our country safe. Is this the best this Administration can do? Do our citizens not deserve all the protection and support this government can provide?

The reality is that this country is woefully unprepared to respond to a major domestic disaster in this country because FEMA has been systematically dismantled over the past 5 years by incompetent leaders, anti-government ideology, budget cuts, and bureaucratic red tape.

FEMA's current problems essentially began with the creation of the Department of Home-

land Security, which demoted FEMA from cabinet-level status and reduced it to one of 22 organizations under the umbrella of the Secretary of Homeland Security. Next, its mission was reprioritized and its budget cut, taking the emphasis off of responding to natural disasters while the upper ranks of management were filled by patronage hires, five out of eight having had no emergency preparedness experience. At the same time, FEMA's professional staff was becoming increasingly demoralized. By this week, nine out of ten regional director positions were vacant, as were three out of five disaster response director positions. This brain drain left an agency without the proper leadership, resources, or influence in government to cope with a major catastrophe.

Responsibility, however, does not rest solely with the Bush Administration. This Congress has been a willing co-conspirator in the degradation of FEMA's capabilities.

Since 2001, many Federal disaster mitigation programs have fallen to budgetary pressures. FEMA's Project Impact, a model mitigation program, has been canceled outright. Federal funding of post-disaster mitigation efforts designed to protect people and property from the next disaster has been cut in half, and now communities across the country must compete for pre-disaster mitigation dollars.

In 2003, Congress approved a White House proposal to cut FEMA's Hazard Mitigation Grant Program in half. Previously, the Federal government was committed to investing 15 percent of the recovery costs of a disaster toward mitigating future problems. Under the Bush formula, only 7.5 percent are given. Experts say that such post-disaster mitigation efforts are the best way to minimize future losses.

In 2004 alone, Congress cut FEMA's budget by \$170 million.

And FEMA is not the only agency to feel the effects of budget cuts. Bush's 2005 budget proposal called for a 13 percent reduction in the Army Corps of Engineers' budget, down to \$4 billion from \$4.6 billion in fiscal 2004 and the New Orleans Corp of Engineers was to lose \$71.2 million out of its budget, the largest cut in its history. This is the very agency responsible for the New Orleans levee system. Assistant Secretary of the Army Michael Parker was even fired for accusing the Bush Administration of failing to adequately fund the Corp of Engineers before Katrina struck.

Natural disasters are a fact of life in this country. Hurricanes, tornadoes and earthquakes are just some of the eventualities that will inevitably occur and need to be dealt with. Over the past decade, FEMA has responded to more than 500 such disasters with varying degrees of effectiveness. But Katrina has provided its first major test since September 11. The repercussions of the failure of that test are staggering.

Going forward, I believe we need to create a bipartisan, national commission, similar to the 9/11 Commission, to provide an objective look at what went wrong and to make recommendations to repair what is clearly a broken system. Doing so is essential to restoring the confidence of the American people in our government's ability to respond to a crisis on American soil and to keep them safe. The people of the Gulf Coast have demanded answers to their questions and we owe them that.

There is also much more to be said about what this catastrophe has to reveal about the

problems of race and class in America. It is in some way illustrative of this Administration's neglect of the less fortunate that those in the worst situations after this storm are the poorest and most disenfranchised populations—precisely the people this Administration's policies have, at best, callously ignored.

But social justice is a conversation for a later time. For now, we must focus on the immediate task at hand. Our duty is to do everything we can for the victims of this disaster and to rebuild the Gulf Coast. We begin tonight with this modest appropriation of \$10.5 billion. Hundreds of billions more are certain to follow. The money will pay for the finest clean up possible, but, in the end, it will not change the reality that things did not have to happen this way.

CONGRATULATING TOM ENGIBOUS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Tom Engibous, this year's recipient of the American Electronics Association's Medal of Achievement Award.

Since 1959, the Medal of Achievement has been presented annually for significant contributions to the advancement of the high-tech industry and for distinguished service to the community, the industry and humankind. Mr. Engibous is fortunate enough to join the select group of high-tech leaders who have received this honor by becoming the fifty-first recipient of the coveted award.

Tom Engibous is the chairman, president and chief executive officer of Texas Instruments Incorporated. While serving in previous roles at TI, Mr. Engibous helped transform the company from a broad-based conglomerate to a semiconductor company. His strategic focus and ability to quickly execute on the elements needed to reconfigure the company laid the foundation for the TI of today—a semiconductor leader in signal processing technology that has gained widespread recognition among customers, the financial community and the general public.

I extend my sincere congratulations to Mr. Tom Engibous for receiving the highest award given by the American Electronics Association. His contributions to the technology industry and service to the community should inspire us all.

TRIBUTE TO SIMEON TERRY, NATIONAL MINORITY BUSINESS ADVOCATE OF THE YEAR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased to recognize today, Simeon O. Terry, Minority Business Enterprise Program Administrator for Austin Commercial L.P. in Dallas, who received the National Minority Business Advocate Award from the Minority Business Development Agency of the U.S. Department of Commerce on September 12, 2005.

Simeon Terry received this honor, in part, for his work as Minority Business Enterprise Program Administrator for Austin Commercial L.P. which is headquartered in my district. He is well known for his efforts to build minority business enterprises (MBE) that promote the inclusion of minority and women entrepreneurs in the Dallas business community while enhancing growth opportunities for minorities and women.

Simeon's background consists of a degree in Industrial & Safety Engineering and over 15 years in the construction industry. He has spent 7 years in the residential construction industry as a Safety Manager, Project Manager, and Operations Manager. In each position he had the opportunity to procure contracts with MBE firms both in specific construction scopes and supplies.

During his term as a Project Manager, over 80 percent of his contracts were established with MBE firms. Simeon also spent 3 years as a Surety Support Program Manager Consultant where he assisted MBE firms in becoming "bond ready", ultimately achieving bonding which would allow them to pursue various construction projects as prime contractors.

He also facilitated safety workshops for small MBE firms and provided consulting to review or establish their in-house safety programs to ensure that they had met the required safety programs for commercial construction. Simeon has consulted on numerous housing development projects in Dallas for non-profit organizations. He assisted local MBE contractors with project management and project administration duties such as estimating, scheduling, document control, certified payroll and project inspection.

Simeon is actively involved in his church where he teaches youth Bible Study, and plays the bass guitar for several choirs. He is also an active member of the National Society of Black Engineers, the National Society of Black MBAs, and Omega Psi Phi Fraternity, Inc.

Mr. Speaker, this Nation's small business community needs more giving individuals like Simeon Terry. His work has contributed much to making Dallas a better place to live for everyone.

I am proud to represent him in the U.S. House of Representatives and wanted to bring his many accomplishments to the attention of my colleagues.

JEWISH COMMUNITY SUPPORT FOR ISRAEL'S DISENGAGEMENT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, just before we adjourned, the Jewish Community Relations Council of Greater Boston issued a very thoughtful statement in support of the disengagement by Israel from the Gaza Strip, and the dismantling by the Israeli Government of Israeli settlements in that area.

Mr. Speaker, this was a very wrenching process for many in Israel, and the willingness of the Government of Israel—supported by a majority of the people of Israel—to engage in this withdrawal with all of its difficult emotional strains speaks highly of that country's willingness to take steps for peace.

The withdrawal from Gaza should not be the last action taken in this process, but it is unreasonable to expect that they will be able to take further actions in the absence of a showing by the Palestinian Authority of its willingness and ability to respond in kind to this disengagement.

The statement of the JCRC is a first rate statement of what should be done going forward, and it is an appropriate expression of support of a majority of the Jewish Community of Greater Boston for a peace process that is thoughtful, balanced and prudent. I ask that this important statement be printed here.

JEWISH COMMUNITY EXPRESSES SUPPORT FOR ISRAEL'S DISENGAGEMENT PLAN

Nancy K. Kaufman, Executive Director and Susan A. Calechman, President of the Jewish Community Relations Council of Greater Boston issued the following statement today regarding Israel's plans to disengage from the Gaza Strip and communities in northern Samaria.

The JCRC fully supports Prime Minister Sharon and the government of Israel as they begin implementation of the Gaza disengagement plan. Israel's vigorous democracy is taking bold and courageous risks in an effort to protect her security and to renew the process of resolving the Israeli-Palestinian conflict. We also support the Israeli government's effort to resolve the conflict through a negotiated two-state solution as expressed in the Road Map. Final borders and other final status issues must be left to the parties themselves to negotiate in a peace process free from violence and the threat of violence.

Disengagement will only lead to a peaceful outcome if there is a commitment on the part of the Palestinian leadership to put an end to terrorism. We call upon the Palestinian Authority (PA) to disarm the terrorist groups and their infrastructure. This includes removal of existing stockpiles of weapons and preventing such stockpiles from being rebuilt; preventing the smuggling of weapons; closing of clandestine weapons manufacturing and preventing attacks, especially during the disengagement process. The future of peace, and the stability of the PA itself, is fully dependent on it taking this action.

We recognize the profound sacrifices being made by the families who are being relocated, some after living in their homes for nearly 30 years. The loss of their homes, synagogues, farms, businesses and schools is an immense sacrifice which should be recognized with efforts made to bridge any gaps that develop among Israelis as a result of this effort.

We condemn the rhetoric of a tiny extremist fringe that promotes violence as a response to policies undertaken by the democratically elected Israeli government. At the same time, the rights of free speech and lawful dissent which are basic and indispensable in a democratic society must be protected. It is critically important that those with differing views of the peace process condemn explicit hate speech, venomous language, and threatening words. It is also important that discussion among all the conflicting viewpoints be created to promote an atmosphere in which differences can be expressed with civility and respect.

We call on the U.S. government to continue its work with Israeli and Palestinian leaders to ensure that all commitments are met and that a resolution to this conflict leads to a secure peace for both sides.

HONORING STEPHANIE FOTI BELLIAN FOR HER EXTENSIVE COMMUNITY SERVICE AND DEDICATION TO THE PEOPLE OF CHAUTAUQUA COUNTY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. HIGGINS. Mr. Speaker, this article is from the obituary section of the Jamestown Post Journal.

STEPHANIE BELLIAN

AUG. 30.—Stephanie Foti Bellian, 36, of 38 West Virginia Blvd., died Sunday (Aug. 28, 2005) in her home.

She was born March 28, 1969, the daughter of Sebastian "Busty" Foti and the late Shirley Walz Foti.

She was a 1987 graduate of Jamestown High School, attended Jamestown Community College, graduate from the University at Fredonia in 1991 and earned her master's degree from St. Bonaventure University. She was assistant director of continuing education at Jamestown Community College where she also taught psychology.

Active in the community, she was involved with the Chautauqua Leadership Network, Society for Human Resource Management, and the Great Empire Zone Board of Directors. She was also involved with the Southern Tier West Human Resource Committee, the Girl Scouts of Southwestern New York Policy Committee and volunteered with Hospice of Chautauqua County.

She will be sadly missed by her sister-in-law, Karen Foti, her nephew, Nicholas Foti and her brother-in-law, Joe Samaritano.

Besides her father of Jamestown, she is survived by a brother, Scott J. Foti of West Seneca; a sister, Stacey Samaritano of Hamburg; and her paternal grandmother, Josephine Foti of Jamestown.

A Mass of Christian Burial will be celebrated at 10 a.m. Thursday in St. James Catholic Church. The Rev. Robert Stolinski, parochial vicar, will be celebrant. Burial will be in Holy Sepulchre Cemetery.

Friends will be received from 2 to 4 and 7 to 9 p.m. Wednesday in the Hubert Funeral Home where a Christian Burial Service will be held at 8:30 p.m.

Memorials may be made to the Humane Society, 2825 Strunk Road; or Hospice of Chautauqua County, 4840 West Lake Road, Mayville, N.Y., 14757.

Mr. Speaker, I rise today to honor the memory of this amazing woman.

HONORING LEROY E. LYON, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Mr. LeRoy E. Lyon, Jr., from Granite Bay, California. Following a lifetime of dedication to God, family, and community, he died of a heart attack in his home Sunday, July 17, 2005. He was 84 years old.

LeRoy was born on Dec. 4, 1920, in Anaheim, California. His father, LeRoy, Sr., was a respected orange grower who served on the Orange County Board of Supervisors. This heritage led him to a career in public service as well.

In 1942, he earned a bachelor's degree in geology at the University of Southern California, USC. He then went to work for the U.S. Geological Survey in Washington, DC, where he met the love of his life, the former Martha Seymour. In April 1944, they were married, beginning a journey together that lasted 61 years.

A month after their wedding, LeRoy joined the U.S. Navy as an officer. He served as an intelligence specialist in the Pacific during the final months of World War II. In early 1946, he was reassigned to Key West, and after his discharge, he returned to USC to study law. He received his juris doctorate degree in 1949. After passing the State Bar of California exam on his first try, he became a general practitioner in Santa Ana.

Mr. Speaker, after the Korean War began, LeRoy was recalled to active duty in 1951. In Korea, he served with Vice Admiral C. Turner Joy's staff for the initial truce talks. Interestingly, he was still on active duty as a Navy lieutenant at Miramar Naval Air Station in the San Diego area when he was elected to the California State Assembly in 1952. In the legislature, he championed right-to-work laws, believing it to be the way to increase dignity and empowerment for individual workers.

Following his brief tenure as a legislator, he applied his legal mind, legislative know-how, and professional contacts to advocate on behalf of the California Railroad Association. He represented the organization both in Washington and Sacramento, also serving as general counsel. After 20 years, he became a lobbyist representing several clients with the firm of A.E. Davis & Co. until his retirement in 1990.

Surpassing his contributions to his country through military and political service, LeRoy was known as a humble, caring father and husband. He upheld the tenants of his Christian faith with honor. In short, my friend LeRoy was a good man.

He is survived by his wife, Martha "Marty" Lyon of Granite Bay; daughters Sylvia Foster of Hillsboro, Ore., Janet White of Colfax and Rebekah Lawson of Forest Hill; a brother, the Rev. W. DeWitt Lyon of Fullerton; 11 grandchildren; and five great-grandchildren. He was preceded in death by a son, Ted Lyon, in 2003.

Today, I join with LeRoy E. Lyon Jr.'s family, friends, and community to commemorate his life of committed service, good citizenship, and uncommon decency. May he rest in peace.

A TRIBUTE TO MR. CLAIR M.
CARLIN OF YOUNGSTOWN, OHIO

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. RYAN of Ohio. Mr. Speaker, today I pay tribute to the life and work of community leader Attorney Clair M. Carlin of Youngstown, Ohio. His life was marked by distinguished service to his country, the state of Ohio, and the Youngstown area.

Mr. Carlin was born on April 20, 1947 in Sharon, Pennsylvania to Charles W. and Caroline Vukasich Carlin. While acquiring his Bachelor of Science degree in Economics

from The Ohio State University in 1969, Mr. Carlin served as a Second Lieutenant in Ohio State's ROTC program. In 1972, he graduated from the U.S. Army Signal Officer Basic Course at Fort Gordon and simultaneously obtained a law degree from the Moritz College of Law at The Ohio State University. Mr. Carlin subsequently attended the Military Police Officers Advance Course in 1979 as well as the Command and General Staff College in 1980. Until 1982, he served in the Army National Guard.

Throughout his career, Mr. Carlin held many distinguished positions including Special Counsel for the city of Youngstown and the Ohio Office of Attorney General, Hearing Examiner for the Ohio Department of Taxation, State Director of Catholic War Veterans, and Law Director for the City of Newton Falls. Additionally, Mr. Carlin served as the President of the Ohio Academy of Trial Lawyers and was the Governor of the Association of Trial Lawyers of America. He was also a member of the American Bar Association, the Ohio State Bar Association, and was President of the Mahoning County Bar Association.

Finally, Mr. Carlin contributed greatly to his community. He was an active member of the Mahoning County Volunteer Services Agency Board of Directors, the Ohio Mothers Against Drunk Driving, and the American Legion Post in Poland, Ohio. Mr. Carlin's proudest personal achievement, however, was attaining the rank of Eagle Scout in the Boy Scouts of America.

Mr. Carlin was a loving husband to his wife, Pamela Rodehaver, and a caring father to his children Elizabeth, Alexander, and Eric. So today, I wish to honor Mr. Clair Carlin whose life's work prevails as a model for all.

TRIBUTE TO COL CHARLES S.
SERIO, MSC, USA, PH.D., ON HIS
RETIREMENT AS BRIGADE COM-
MANDER OF THE UNIFORMED
SERVICES UNIVERSITY OF THE
HEALTH SERVICES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. VAN HOLLEN. Mr. Speaker, today I rise to thank Charles S. Serio, COL, MSC, USA, Ph.D, Brigade Commander of the Uniformed Services University of the Health Sciences, USUHS for his tremendous service to our country. On September 7, 2005, Colonel Serio marked the end of eight years of service at USUHS, and concluded a 37-year career of Federal service.

Colonel Serio was born on August 26, 1946, and graduated from his home-state University of Mississippi with a Bachelor of Science Degree in Biology, in 1969. He earned his Master Degree in 1973 and completed his Doctoral Degree in Immunology in 1975. He is a graduate of the Command and General Staff College at Fort Leavenworth, Kansas.

Among his numerous awards and decorations are the Defense Superior Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Achievement Medal, the Army Achievement Medal, the Joint Meritorious Unit Award, the Army Superior Unit Award, the National Defense Service

Award, and the Global War on Terrorism Service Medal. Colonel Serio has also earned the following badges, which denote operational expertise: Airborne, Air Assault, Expert Field Medical, and German Troop Proficiency Duty, Gold.

He was awarded the "A" Proficiency Designator in Immunology by the Army Surgeon General, the highest award given in recognition of professional accomplishment by the United States Army Medical Department. He was also selected as a member of the "Order of the Military Medical Merit," which denotes distinguished service as recognized by the senior leadership of the Army Medical Department. Colonel Serio is the author of numerous scientific publications in immunology and radiobiology in both national and international journals.

His career includes positions of responsibility such as: the Detachment Commander, 330th General Hospital in Memphis, Tennessee; Clinical Laboratory Officer and Bacteriologist with the 326th Medical Detachment, 801st General Hospital, Chicago, Illinois; Chief of the Immunology Branch, William Beaumont Army Medical Center, El Paso, Texas; Microbiology Consultant to the Commanding General, 7th MEDCOM; Staff Officer and Manager of Science and Technology, Medical Research and Material Command, Fort Detrick, Maryland; and, Associate Professor, Department of Chemistry, United States Military Academy, West Point, New York.

In June of 1997, Colonel Serio was selected to serve as the 4th Brigade Commander at USUHS. As the Brigade Commander, Colonel Serio was recognized as the senior officer of the University with responsibility for command of over 1,000 members of the USUHS Brigade, representing the United States Army, Navy, Air Force, and Public Health Service. Colonel Serio served as the senior military advisor to the President of USUHS for 8 years. During his service as the USUHS Brigade Commander, he became an invaluable asset as a role model, teacher and mentor to over 1,500 uniformed medical, nursing, and graduate students. Colonel Serio provided lectures to the USUHS medical and nursing students in pathophysiology, immunology, biological warfare, and military leadership. He created a recognized Brigade command structure and curriculum in support of the USUHS mission, implemented military unique and significant programs and internationally recognized field training exercises, annually coordinated the USUHS graduation ceremonies, monitored the USUHS strategic goal on military leadership development, and annually exceeded the University's goals in the Combined Federal Campaigns.

His longstanding role as a soldier, scientist, educator, and leader in both undergraduate and graduate education has supported and ensured medical readiness during more than one global conflict. USUHS is recognized as the most cost-effective and qualified source for the recruitment and development of uniformed officers who will hold significant leadership and operational positions throughout the Military Health System. Colonel Serio can be assured that his influence and leadership have greatly assisted the future patients and command officers who will be served by the

uniquely trained USUHS graduates—physicians, advanced practice nurses, and scientists. The University fulfills a critical core requirement for medical readiness in the Department of Defense; and, Colonel Serio has greatly contributed to the preparation of dedicated, career-oriented uniformed officers who will care for those who are sent into harm's way.

I take this opportunity to thank COL Charles Serio for his tremendous dedication and love for our Nation and wish him well as he retires to begin his next demanding career as a grandfather to his five grandchildren along with his three daughters, Shanna, Jada and Tara, and his wife, the former Belva L. McCormick.

STATEMENT ON HURRICANE KATRINA

HON. CYNTHIA MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. MCKINNEY. Mr. Speaker, On September 2, 2005, I made the following statement at a press conference in Atlanta, GA and I submit it for the RECORD.

I thank the Mayor and my colleagues for convening this press conference to express solidarity in our concern for the plight of Katrina's victims. The message today is that while we are watching this tragedy unfold, we are not sitting idly by.

The Office of the Fourth Congressional District has adopted Baton Rouge Mosque #65 which is housing 100 New Orleans residents. They need dry goods, food, and hygiene kits. Anyone interested in helping us help these 100 people, please bring donations to our Congressional office as soon as possible.

As we open our hearts, pocketbooks, and homes to Katrina's victims, it is now imperative that the Government do its part.

To see it coming is not enough. The Administration appears flat-footed as its actions have not been fast enough and remain slower than most Americans can comprehend. A responsive government would:

1. Maximize the use of U.S. Customs air assets to drop badly needed food and supplies to the people. Sadly, I have been told by an investigative journalist that precious Customs air assets are available, but are not being used to ferry badly-needed food, radios, and supplies. We dropped food in Afghanistan, certainly we can drop food in the United States.

2. Tell the people what they can expect from their leadership in authority. Clear lines of authority should have been established and the people informed of what the government was going to do to alleviate their suffering. Much of the confusion and chaos we are witnessing is due to ineffective communication of the plan of action to the people in the affected areas.

3. Preposition necessities. It is clear that the Administration failed to preposition hospital ships, pumps, and supplies, in the face of a Category 5 hurricane barreling toward the Gulf States. The Administration is just now mobilizing to satisfy the massive and desperate need. And sadly, 40 percent of the Mississippi National Guard are in Iraq; 35 percent of the Louisiana National Guard are in Iraq; for Florida, the figure is 25 percent; Alabama has 23 percent of its Guard stationed in Iraq.

4. Be careful of the language used. What media bright light decided to term the New

Orleans residents as "refugees"? It is insulting and should be stopped immediately. And, how dare anyone talk down to a devastated population while Bunnatine Greenhouse sits busted from her job because she dared to pull the plug on Halliburton's looting of the U.S. Treasury of billions of dollars. The President asks for patience and lends Katrina's victims his thoughts and prayers. That is not enough given the magnitude of the problem. And FEMA should not now tell victims to take responsibility, but must instead deal with its own responsibility to care for a devastated population. And finally, talk from Speaker Hastert and others questioning the value of rebuilding the City of New Orleans should be arrested immediately.

5. Recalibrate its values and priorities. New Orleans is not just a home for hundreds of thousands; its ports form the heart of America's domestic and international commerce, and our oil and gas nerve center. Shame on this Administration for slashing money to protect New Orleans and shifting it to Halliburton and Iraq. Shame on this Administration for not curtailing our dependency on overconsumption of oil; and for not recognizing global warming. Shame on this Administration for failing to take care of the American people.

6. Offer maximum assistance to people in need. Houston's Astrodome has already reached its capacity. Atlanta has the capacity to give and a desire to share.

Thank you.

IN SUPPORT OF H.R. 3169 AND H.R. 3668

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. McKEON. Mr. Speaker, I strongly support H.R. 3169, the Pell Grant Hurricane and Disaster Relief Act, and H.R. 3668, the Student Grant Hurricane and Disaster Relief Act, introduced by my colleagues, Congressmen KELLER and JINDAL, respectively.

H.R. 3169 would waive Pell grant repayment requirements for students that were impacted by natural disasters, such as Hurricane Katrina. Mr. KELLER, who serves with me on the 21st Century Competitiveness Subcommittee on Education and the Workforce, has been advocating for this change in the law since his State of Florida was hit by four hurricanes last year, and he saw how students' lives were impacted by the devastation wrought by the hurricanes.

The Pell Grant Hurricane and Disaster Relief Act will ensure that Hurricane Katrina does not derail the educational dreams of our neediest students. I am pleased to co-sponsor this bill and appreciate its speedy consideration by our leadership.

H.R. 3668 complements Mr. KELLER's bill by waiving repayment requirements for other Federal student grant aid programs that were affected by a natural disaster. I know that this is a difficult time for Mr. JINDAL, his family, and his constituents whose homes have been destroyed and their families scattered across the country. I applaud Congressman JINDAL for his leadership on this bill, and for his ongoing courage and strength throughout this difficult time.

This legislation is the right thing to do because it helps increase assistance and flexibility for students and families impacted by

Hurricane Katrina. Students affected by this devastating natural disaster will be able to focus on rebuilding their lives without an additional burden on their backs.

In the coming days and weeks, I will continue to work with my colleagues and with the administration and governmental agencies to examine the areas that have been impacted by this terrible tragedy and what additional flexibility and assistance we may be able to provide to help restore normalcy to students and their families.

I thank Mr. KELLER and Mr. JINDAL for their leadership on these bills, and I gladly support their efforts.

CONGRATULATIONS ON THE 25TH ANNIVERSARY SILVER JUBILEE OF THE DOELGER SENIOR CEN- TER OF DALY CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, I am delighted to recognize the Doelger Senior Center of Daly City, California, located in my Congressional district, which is celebrating its 25th anniversary silver jubilee. Serving the elderly of Daly City, Doelger Senior Center enhances the quality of life and promotes wellness by providing social, educational and health services to all adults, ages fifty and older.

In 1978, seniors had the vision of a senior center in Daly City. After 16 months of campaigning by wearing orange buttons, their hope for a center became a reality when Daly City and Thelma Doelger purchased a "released" school site, Abraham Lincoln School. Mrs. Doelger offered to share the cost of the school in memory of her late husband Henry, who had created the Westlake planned community. Following a year of fundraising and planning, move-in began at the new Doelger Senior Center. On November 1, 1980, Mayor Anthony Giammona dedicated the building and Edward M. King of Doelger Enterprises presented the building to the City of Daly City.

Through its 25 years of service to the community, many members of the Doelger Senior Center have played an influential role in its successful and continual service to Daly City elders. President Emeritus Edward King founded the center along with board members Alfred Belotz and William Crocker. Beverly di Gregorio and Richard Slater also served on the board of founding directors.

Today, Doelger Senior Center provides and delivers 50,000 meals to Lincoln Community Center and the homebound. Additionally, the center offers more than 100 different classes and programs. Both the young and the old enjoy center-sponsored activities, such as the Pre-independence party on July 3rd.

Mr. Speaker, the Doelger Senior Center remains a vigorous, expanding, and exciting community organization. The Doelger Senior Center continuously stands as a community of care, entertainment, friendship, support, and education. I urge all my colleagues to join me in commending the Doelger Senior Center on the occasion of their 25th anniversary and wish its members continued success.

IN HONOR OF THE JUBILEE ANNIVERSARY OF SISTER EILEEN DUFFY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Mary Eileen Duffy, in celebration of the joyous occasion of her 60th Jubilee Anniversary, reflecting a ministry in faith, service and concern for others throughout our Cleveland community.

Sister Eileen taught at St. Joseph Academy and Nazareth High School. In addition to her dedication to teaching, she served as a community administrator and Pastoral Associate at St. Leo the Great Church and St. Colman Church. Sister Eileen also served diligently on the Diocesan Pastoral Council, Commission on Catholic Community Action, the Interfaith Commission and the Sisters' Senate. In 1972, Sister Eileen was elected as director for the Northwest Deanery.

Inspired by a true calling of spiritual and humanitarian duty, Sister Eileen began her ministry with a strong foundation in education. She inspired that quest for knowledge and awareness in others, especially her students, and consistently touched the lives of countless children within our community. Her dedication, leadership and unwavering faith continues to strengthen and empower families and individuals throughout our community.

Mr. Speaker and colleagues, please join me in honor and celebration of the 60th Jubilee Anniversary of Sister Eileen Duffy. Her strength in leadership, energetic spirit and commitment to helping others, from our children to our elderly, has served to lift the spirits of countless individuals, and continues to radiate faith, hope and light throughout our entire community.

LOCAL SCOUTS TO THE RESCUE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. WESTMORELAND. Mr. Speaker, organizations like the Boy Scouts embody the spirit of our Nation—giving to others, selfless sacrifice, and patriotism.

A group of young men in my district recently demonstrated the highest ideals of our nation when faced with a difficult situation. The Scout pledge includes a promise to "help people at all times" and these young men demonstrated that. They didn't stop to help in order to get attention, but to do what was right, to do to others as they would have done to them. And the result was a heroic effort that saved lives.

While on their way away from a Scout camp on their night off, these young men witnessed an accident on the road just behind them, and instead of leaving it to someone else to help and heading on to dinner, they stopped to help.

One of the cars involved was already on fire when the Scouts jumped into action, as some of the young men began directing traffic around the scene as others began rescuing children from the burning car. They stabilized

the injured children, assessed the immediate injuries, and worked to find a fire extinguisher to get control of the fire.

When paramedics and other first responders from Pike County arrived, they worked hand-in-hand with the Scouts in taking control of the scene. The Scouts also assisted in clearing an area for a LifeFlight helicopter to land to transport the most seriously injured.

These young men, Chris Henry, Paul Hutchens, Neal Wilson, George Boggs, Zack Deckner, and Joseph Fernander, demonstrated the highest ideals of American and Boy Scout values by stopping to help those in need. They sacrificed their time, and used their skills bravely, and saved lives.

Although tragically, Mrs. Christy Redenz and her 5-year-old daughter died at the scene, the Scouts' quick action and training resulted in the other children being safely airlifted to local hospitals.

Many people in this life look for opportunities to be heroes, to be something great; but the greatest heroes are those who accomplish great things while doing their duty in the small things.

These young men are true heroes, and I am honored to bring their actions to the attention of this House. President Reagan once said something that is very appropriate in this situation—"Some people spend an entire lifetime wondering if they've made a difference . . ." In the case of these brave young men, they don't have that problem.

Mr. Speaker, the light of the United States of America will continue to burn brightly as long as we have young men like these surrounding all of us and leading the way.

IN HONOR OF THE 40TH ANNIVERSARY OF THE CLEVELAND JOB CORPS CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor, recognition and celebration of the 40th Anniversary of the Cleveland Job Corps Center of Cleveland, Ohio. For four decades, the Center has served as a vital source of education and vocational opportunity for thousands of at-risk young adults throughout the Cleveland community.

The core mission and committed work carried out daily by the staff of the Cleveland Jobs Corps Center continues to offer a foundation of strength and assistance that supports, educates and guides thousands of young lives away from the shadows of struggle and despair and onto a pathway of personal independence, accomplishment, and the promise of a better life.

The dedicated staff members and administrators of the Cleveland Job Corps Center assist young persons in attaining their GED; offer intensive trade and vocational training; and instill a sense of empowerment, self-confidence, personal responsibility and team interaction within each young person. These significant life goals and practical educational and job training programs hold the promise of career achievement and societal contribution as each young person is shown the way and given the tools to succeed.

Mr. Speaker and colleagues, please join me in honor and recognition of the staff, leaders, and especially the students of the Cleveland Job Corps Center, past and present. The Center continues to serve as an invaluable source of educational and vocational opportunities for countless teens and young adults throughout the Cleveland community. Moreover, the Center provides these young people with a sense of self-worth and accomplishment, and offers them the personal power to dream, to hope and to take control of their own destiny. The Cleveland Job Corps Center continues to elevate the life of every student into the light of possibility and achievement, thereby uplifting our entire community.

H.R. 3673

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. WESTMORELAND. Mr. Speaker, I rise in opposition to H.R. 3673, the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005.

Along with the other members of the House, I have been shocked and saddened to watch the devastation that has been caused by the Hurricane in Louisiana, Mississippi, and Alabama. I have also been encouraged by the heroic efforts both of private individuals and our military in saving the lives of many people, and evacuating those who simply could not get out of the affected areas.

This has also been a time for Americans to draw together—donations to private relief agencies are more than \$500 million in just the first week after the tragedy, and organizations like the Red Cross and Salvation Army have been right at the forefront in providing relief to the people affected.

I strongly supported the efforts of Congress in allocating the initial \$10 billion in immediate relief to keep the Federal Emergency Management Agency (FEMA) and Army Corps of Engineers functioning to assist in the immediate aftermath of the hurricane and flooding. However, I rise in opposition to this \$51.8 billion relief package. I do not oppose all funding for the emergency, but one of my major concerns with the government response to disasters in general is the tendency to throw money at problems with very little accountability on how that money is being spent.

The \$51.8 billion we are about to spend is nearly three times the entire annual State budget of my home State of Georgia, the ninth-largest State in the country with a population of 8.8 million people, and will be spent in about five weeks from what we are being told. According to the Office of Management and Budget, we are spending money at a rate of \$2 billion a day, and yet we in the Congress do not have many details at all on how that money is being spent.

I strongly support continued government funding of relief work in the affected areas, but the legislation we are considering is sorely lacking in effective accountability. The legislation allocates funds to Federal agencies with barely any explanation, except for one thing we know—that not a dime of the \$51.8 billion will be spent on reconstruction in the affected

areas. The funding is only for immediate response over and above the \$10 billion we are already spending. This legislation holds no one responsible, and I cannot in good conscience allow such a tremendous amount of taxpayer's money to be spent without holding someone accountable for its disbursement. The legislation does provide for the inspector general to oversee the funding, but even that is after-the-fact as the money is being spent.

The more than \$60 billion Congress will have allocated after this legislation passes is enough to give every family of four affected by the hurricane a cash payment of \$120,000, and yet none of that \$60 billion will be spent to actually rebuild anything in New Orleans, Mississippi, or Alabama.

We need time to absorb information about what is happening. We know more today than we did yesterday, and we will know more tomorrow than what we know today. We do not need more knee-jerk reactions of spending money to fix problems. There are only three ways to pay for hurricane relief—raising taxes, which will stifle the economy; cutting Federal spending to offset the money; and passing the cost along to our children and grandchildren by increasing the deficit. We need to carefully consider this spending, and work diligently to ensure that the funds are being spent wisely.

I have personally donated to the Red Cross and Salvation Army, as has my staff, and I will continue to support relief efforts. I would prefer that the votes in Congress on spending these disaster dollars take place in \$10 billion installments, where we can see how effectively the money is being used. This is an extremely difficult time, and I applaud the leadership both of our President and other government agencies, along with the military, who have acted so decisively and effectively to alleviate suffering.

We are a great nation, and we will continue to be great and rise above the challenges we face. May God continue to bless America.

IN CELEBRATION OF THE 95TH ANNIVERSARY OF ASBESTOS WORKERS' UNION LOCAL NO. 3

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I call our colleagues' attention to Asbestos Workers' Union Local No. 3 from Cleveland, which is celebrating its 95th anniversary on September 24, 2005. Members of Local No. 3 can trace the beginnings of their union back to the earliest day of the modern industrial era with the sudden expansion of steam power around 1880, creating the need for the insulation industry.

An attempt to form a national bond between insulators came in 1900, when the Salamander Association of New York sent out an appeal to related crafts in other cities to form a "National Organization of Pipe and Boiler Covers." This appeal struck a chord of solidarity and two years later the officers and members of the Pipe Covers Union affiliated with the National Building Trades Council of America and invited other pipe coverer unions and related trades to join them. The appeal for unity was sent to Cleveland, as well as other targeted cities such as New York, Chicago,

Boston, Detroit, and Washington, DC. In all, seven local unions from around the country responded and this resulted in the birth of the foundation for an international union. The interested locals met for their first convention on July 7, 1902, where they drafted and approved a constitution and elected Thomas Kennedy of Chicago as their first president. They chose "The National Association of Heat, Frost and General Insulators and Asbestos Workers of America" as the name for the international union and on September 22nd of that year the American Federation of Labor issued an official charter designating the asbestos workers as a national union.

The group met again in October 1904 in Pittsburgh, Pennsylvania, to adopt a constitution and issue local numbers: St. Louis, Missouri No. 1, Pittsburgh, Pennsylvania No. 2, Cleveland, Ohio No. 3, Buffalo, New York No. 4, Chicago, Illinois No. 5, Boston, Massachusetts No. 6, and Seattle, Washington No. 7. The charter issued to Local No. 3 in 1910 contained the names of these Clevelanders: Thomas Richards, James Wiley, Phil Frigge, M.O. Taitle, Harry Jacoby, Archie Budd, Harry Morris, Harry Graff, and George Davis. James Dalton, Al Dalton, and Thomas O'Neil of Local No. 3 became officers of the International Association.

Over the years Local No. 3 has fought for better wages, safer working conditions on construction sites, and benefits. Local No. 3 has established funds to help with medical expenses, retirement, apprenticeship and training. At its 95th anniversary and going into its second century, Local No. 3's goals remain to make a member's life safer, more productive, and more prosperous, to work to meet the needs of its members, and to educate new members that there is strength and prosperity in solidarity. Mr. Speaker, please join me in congratulating Asbestos Workers' Union Local No. 3 as its officers and members celebrate their 95th anniversary.

RECOGNITION OF 35TH ANNIVERSARY OF CLEO PARKER ROBINSON DANCE STUDIO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of the 35th anniversary of Cleo Parker Robinson Dance and its founder, Cleo Parker Robinson. Cleo Parker Robinson uses dance as a bridge to unite diverse communities and overcome cultural, age, class, and language barriers. A night watching a Cleo Parker Robinson Dance performance is simply unforgettable, making it a well-known gem in the Colorado arts community.

Cleo Parker Robinson Dance has been an essential part of the Colorado arts community since its inception in 1970. The organization includes a professional company, a year-round dance school, an International Summer Dance Institute, and a Cleo Parker Robinson Dance Theater. In addition, CPRD created two programs, Season of Schools and Project Self Discovery, which focus on introducing dance to low-income and at-risk students. Season of Schools serves Denver Public Schools students and students from surrounding school

districts with performances and workshops, introducing students to dance as an outlet of expression. Project Self Discovery, funded through a government grant, provides intensive dance study to at-risk youth as an alternative to gangs, drugs and delinquency.

Cleo Parker Robinson Dance has spent the last 35 years working to strengthen communities in some of Denver's poorest neighborhoods. Cleo Parker Robinson utilizes the power of dance to find the commonalities that unify communities. Her leadership and dedication shows that with hard work we can continue to move towards a society that flourishes from our cultural diversity.

I want to commend Cleo Parker Robinson Dance for its accomplishments over the past 35 years and for continuing to bring beautiful, unique and innovative forms of dance to eager audiences around the world.

IN HONOR OF THE GOLDEN JUBILEE ANNIVERSARY OF SISTER AUDREY KOCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Audrey Koch, Pastoral Associate at St. Coleman's Church, on the joyous occasion of her Golden Jubilee Anniversary, reflecting a life-long commitment to educating, inspiring and guiding the youth of our community; and reflecting an unwavering dedication of service on behalf of the most vulnerable of our society.

Sister Audrey's significant work embodies the teaching profession, social community action endeavors and civic leadership. She taught for 24 years at Cleveland area schools, including St. Ignatius Elementary School, St. Agnes, St. Thomas Aquinas and St. John in Lorain. She also served for 4 years as Principal of St. Coleman School.

While at St. Coleman's, Sister Audrey directed numerous programs with the Catholic Youth Organization (CYO) and taught in the CYO's preschool. She also taught theology at St. Joseph Academy. In 1991, she embarked on a new ministry through her work with the Catholic Charities Office of Disability Ministry at St. Augustine Parish. In 2003, she returned to St. Coleman Parish as a Pastoral Associate.

Mr. Speaker and Colleagues, please join me in honor and celebration of the 50th Golden Jubilee Anniversary of Sister Audrey Koch. The compassionate leadership and service, reflecting faith, hope and kindness, that Sister Audrey continues to offer to others, young and old, is immeasurable in its impact upon the lives of so many, from the very young to our senior citizens. Sister Audrey's steadfast commitment to healing the lives of others continues to strengthen lives of the people of St. Coleman's parish and continues to serve as a beacon of light and hope throughout our entire community.

H.R. 3673—SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SMITH of Washington. Mr. Speaker, I rise today to express my disappointment for the Federal government's delayed response to Hurricane Katrina. I am extremely concerned about the Federal Emergency Management Agency (FEMA) director Michael Brown and call for his resignation.

Brown and his senior leadership team have demonstrated a stunning level of ineptitude that made the disaster of Katrina and the loss of life and property much worse than it had to be. This tragic event has made clear that the FEMA team is not up to the job of protecting Americans from either natural disasters or from any possible terrorist attack. Security is a paramount concern to me and Americans deserve a competent and able emergency management agency. Now that it is proven that this team is incapable, we can't afford to wait to replace Director Brown.

I also strongly disagree with the suggestion—made by many in the Administration and the majority—that Americans shouldn't "point fingers" or play the "blame game" as the relief effort continues. Thousands of lives are at stake right now. We are also spending billions of public dollars on the recovery and those resources must be spent effectively and efficiently. We need an experienced team now to implement the government's plan for repairing the southeast region, not after a lengthy review process. While I support that broader review, one thing is immediately clear: The director of FEMA is plainly not up to the important job at hand.

Consider the following critically important facts.

Despite days of warning, FEMA did virtually nothing to prepare for the impact of Katrina. Director Brown reportedly waited 5 hours after Katrina struck before he proposed to Department of Homeland Security (DHS) Secretary Michael Chertoff that he send 1,000 Homeland Security workers into the region to support rescuers. Even then, his letter gave personnel 2 full days to arrive on the scene to begin offering assistance. It was 5 agonizing days before FEMA and DHS showed up in any significant numbers with adequate supplies to help the tens of thousands of people in New Orleans.

Equally disturbing are the efforts of FEMA and others in the Administration to explain away these inexcusable actions. Claims have been made that local leaders in Louisiana did not ask for help and that the Federal government could not have foreseen that the levees around New Orleans would be breached in the event of a significant hurricane.

The utter absurdity of these claims makes it even clearer that we need new leadership at FEMA if Americans are to have any confidence that the agency will wisely and effectively deal with the continuing crisis in the Gulf Coast, much less prepare for future natural disasters or terrorist attacks.

First, locals did ask for help before the storm hit and FEMA assumed responsibility for dealing with the fallout from Katrina. Louisiana's Governor Kathleen Blanco declared a State of emergency for Louisiana on August 26th and on August 27th, she requested Federal support. On that same day, and acting on your authorization, Director Brown responded to Blanco's request for assistance and declared that FEMA would "mobilize equipment and resources necessary to protect public health and safety by assisting law enforcement with evacuations, establishing shelters, supporting emergency medical needs, meeting immediate lifesaving and life-sustaining human needs and protecting property, in addition to other emergency protective measures."

Second, the coming disaster was clear. Max Mayfield, the Director of the National Hurricane Center has confirmed that both Director Brown and Secretary Chertoff listened to his agency's briefing on Katrina's likely impact. Mayfield made repeated warnings about the hurricane and was quoted by the New Orleans Times-Picayune as saying, "We were briefing them (FEMA and DHS) way before landfall. It's not like this was a surprise. We had in the advisories that the levee could be topped." It is alarming that, given this knowledge, FEMA thought it was appropriate to sit back and wait instead of aggressively preparing for the disaster.

Third, the vulnerability of the levees was well established. Last year, FEMA conducted a simulation involving the potential evacuation of New Orleans as a result of a Hurricane. For my years experts had been predicting that the levees could be breached by a hurricane and that the results would be disastrous, costing thousands of lives and billions of dollars. In 2001, the Army Corps of Engineers conducted a study and found that the levees in the region needed to be updated, raised, and the pumping systems modernized. In the event of a category 4 or 5 hurricane, like Hurricane Katrina, the levees would fail and the cities within the levees would be at risk of flooding.

Perhaps most troubling, Federal officials knew from news reports and from Mayor Ray Nagin's comments that tens of thousands of New Orleans residents would not be able to respond to the call to evacuate. Despite this understanding, no action was taken to accommodate those who could not evacuate their city.

I am deeply troubled by what this failure of leadership could portend for another disaster or attack. Some of FEMA's top positions have been staffed with individuals who have ample political and campaign experience, but virtually no understanding of how to prepare for and respond to a disaster of any magnitude. We expect State and local responders to be well trained and qualified. The same must be true of FEMA's leaders. There is no doubt that a new and better skilled leadership team at FEMA is required in order to best protect our Nation.

The tragic events caused by Hurricane Katrina have left hundreds of thousands of Americans with shattered homes and families and without food and water. I am committed to joining together to provide relief and to save as many lives as possible.

I have seen the compassion of Americans as volunteers, donations and financial assistance has flowed into the southeast region. We must now do our part to repair the damaged

region and assist in rebuilding the lives of many of our citizens. I look forward to working with the Administration and my colleagues in Congress to help the people in this devastated region.

IN HONOR OF UNITED STATES
CONGRESSMAN BARNEY FRANK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Congressman BARNEY FRANK, as he is honored by the Cleveland Stonewall Democrats for his significant service on behalf of the citizens of the 4th Congressional District of Massachusetts.

Since being elected to the United States Congress in 1981, Congressman FRANK has blazed a courageous road fortified by civil rights and human rights for every American, regardless of their differences. His candor, compassion and convictions have consistently given a voice to the oppressed and vulnerable of our society and his work continues to raise the level of grace and dignity for all Americans by casting the pall of ignorance and discrimination into the light of truth and justice.

A highly regarded and respected attorney, activist and public servant, Congressman FRANK's constituency in Massachusetts has demonstrated their overwhelming faith and admiration for him by voting him back in office twelve times. He is the Senior Democrat on the Financial Services Committee and has worked tirelessly on behalf of vital issues that affect the well being of our society, including gay rights, health care, education, preservation of the arts and the steadfast protection of our civil liberties.

Mr. Speaker and colleagues, please join me in honor and recognition of my friend and colleague, Congressman BARNEY FRANK, for his immeasurable service and courageous leadership on behalf of the citizens of our country. Congressman FRANK's steadfast advocacy and unwavering focus on human rights is framed by excellence, heart, integrity and personal wisdom. Congressman FRANK continues to raise our society into the light of tolerance and truth, thereby elevating the lives of countless Americans into the realm of hope for a better tomorrow, and peace and justice for all, in the 4th District of Massachusetts and across our Nation.

CELEBRATING JOHN D. LEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. DUNCAN. Mr. Speaker, on September 15, John D. Lee, the President of the Boys & Girls Club of the Tennessee Valley, will be honored for 35 years of service. He is only the second President in the organization's 60-year history.

John went to work for the Boys & Girls Club of the Tennessee Valley as a Facility Director on September 16, 1970. He was later promoted to Assistant Executive Director and then to President and CEO.

The Boys & Girls Club of the Tennessee Valley has experienced amazing growth under his leadership. When John became President 26 years ago, it was operating only two Boys Clubs. Since then, he has led the organization through a merger with the Girls Club in 1990 and has overseen an expansion that now provides care and supervises activities for 7,845 members annually in 19 Club facilities in five East Tennessee counties (Knox, Blount, Scott, Loudon, and Fentress). The Boys & Girls Club of the Tennessee Valley employs a staff of 275 people and provides over 460,000 hot meals annually.

John's excellent leadership and service has not gone unnoticed either. In 1985, he received the Robert M. Sykes Award for Professional Excellence. In 1994, the U.S. Department of Justice presented him with the Directors Community Leadership Award.

The parent organization of the Boys & Girls Club is also very appreciative of John's work. On May 23, 2000, he received the Boys & Girls Clubs of America Service to Youth Award and Service Bar for 30 years of service to the Boys & Girls Club Movement, and in 2002, he received the Boys & Girls Clubs of America National Professional Service Award for Service to the National Movement.

John was born in Charleston, South Carolina, and is a graduate of Samford University. He has been a fine husband to his wife, Phyllis, and a great father to his three children, Amanda, Maria and Phillip.

The Boys & Girls Club of the Tennessee Valley is a leader in youth development and has touched the lives of countless young people throughout John's tenure. I have come to know John Lee well over the years, and I can assure you that he is a fine human being who has made East Tennessee a much better place to live.

Mr. Speaker, this great Nation owes a debt of gratitude to John D. Lee for his outstanding service as President of the Boys & Girls Club of the Tennessee Valley.

IN HONOR OF CHORBISHOP
BERNARD C. KHACHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chorbishop Bernard C. Khachan, upon the occasion of his retirement that follows 45 years of service, faith, ministry and leadership within the Maronite Catholic Church.

Chorbishop Khachan was ordained a Maronite Catholic Priest in Lebanon in 1960. In 1965, he journeyed to South America to serve for one year. After his ministry there was complete, he returned to Lebanon. During that time, leadership in Rome had established the first Maronite Diocese in the United States. Chorbishop Khachan was soon asked to serve as Pastor of a Maronite parish in a region of Pennsylvania where his relatives lived. With grace, dignity and an open heart, Chorbishop Khachan accepted the challenge of his new country. While always holding Lebanon alive in his life and close to his heart, Chorbishop Khachan also proudly embraced his new home in America. In 1972, Chorbishop

Khachan became a citizen of the United States. In 1987, he was appointed Pastor of St. Maron Church of Cleveland, Ohio, where he served with kindness, guidance, support and compassion for the past eighteen years.

Chorbishop Khachan's vision, concern for others and focus on uplifting our community has had a significant effect on countless members of the parish and on residents who live in the surrounding neighborhoods. His focus on restoring Maronite traditions and culture have succeeded, along with his successful restoration of the church building, social hall, parking lot and surrounding grounds. Chorbishop Khachan's insight and focus have served to increase the number of parishioners from 500 families to 1,300 families—a remarkable achievement.

Mr. Speaker and Colleagues, please join me in honor and recognition of Chorbishop Bernard C. Khachan, upon his retirement that highlights 45 years in faithful service to others. Though he will be greatly missed, his gifts of faith, leadership, guidance and compassion will forever illuminate hope and faith within St. Maron parish community of Cleveland. We wish him an abundance of health, happiness and peace as his journey guides him back to Lebanon.

CONGRATULATIONS TO SYSTEMS
AND ELECTRONICS, INC.

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. EMERSON. Mr. Speaker, I rise to congratulate the Systems & Electronics, Inc. (SEI) Family of Medium Tactical Vehicles (FMTV) Paint Optimization Team as the recipients of the 2005 Missouri Team Quality Award (MTQA). SEI's West Plains, Missouri unit is a leader in defense systems and technology. The FMTV Paint Optimization Team is based at SEI's manufacturing facility in my Congressional District, and this team was instrumental in the development of protective armor placed on vehicles for the protection of Army personnel in Iraq.

The MTQA is awarded annually to teams which address and meet six standards: selecting the opportunity for a team, establishing and developing the team, measuring and analyzing the current situation, developing improvements, implementing improvements, and monitoring progress. The FMTV Paint Optimization Team successfully met each standard set forth and excelled in their production of protective armor.

The MTQA Recipient Awards Banquet and Presentation will occur at the Excellence in Missouri Conference in November, at which time the team will be officially recognized for their excellence in teamwork. Again, I send my warmest congratulations to SEI and the FMTV Paint Optimization Team, and I wish them continued success as they work to provide proven armor solutions to our men and women in uniform, both at home and abroad.

IN HONOR AND REMEMBRANCE OF
ELSIE FRANK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Elsie Frank, loving mother, grandmother, great-grandmother, dedicated public servant, community activist, and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of Boston, whom she served and inspired with the highest level of commitment, concern, integrity and honor.

The great care and love that Mrs. Frank showered on her family extended throughout Boston where she carried the torch of advocacy on behalf of many social justice issues, including issues affecting gay teens and gay adults, and concerns faced by the elderly of our society. An inspirational and well-known leader in Boston's Back Bay neighborhood, Mrs. Frank dedicated her time and talents in bolstering the strength of several gay advocacy groups, and senior advocacy groups as well. She worked with PFLAG (Parents, Families and Friends of Lesbians and Gays), tirelessly lobbying state legislators to reinstate funding in support of PFLAG's Safe Schools program—a critical program that serves to educate, support and protect the well-being of gay teens in schools. In 2003, Mrs. Frank was honored with PFLAG's Voice of Truth Award.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Elsie Frank, whose boundless joy for life served as a source of inspiration, protection and hope for Boston citizens of all ages. I extend my deepest condolences to her children, Barney, Ann, Doris and David; to her six grandchildren and ten great-grandchildren; and also to her extended family and many friends. Mrs. Frank's immeasurable heart and focus on human rights has forever touched the lives of countless individuals, young and old, gay and straight, and her unbridled spirit and vital work will soar forever in the hearts of those who knew and loved her well, especially her family, friends and the people of Boston's Back Bay.

A TRIBUTE TO KRISTIN YOUNG

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CANTOR. Mr. Speaker, I rise today to pay tribute to Kristin Young. After more than a decade of service to the House of Representatives, she is moving home to Connecticut. She spent the last four and a half years working in my office, currently serving as my Director of Administration.

I am very appreciative of all of Kristin's hard work over the years. I have been fortunate to have one of the most talented, committed and effective staffers on Capitol Hill handling my schedule and greeting constituents with a smile each working day.

Kristin's strong work ethic was invaluable in making sure I was able get the people's work done and meet and greet as many constituents as possible. Kristin's demonstrated ability

to get things done led me to ask her to assume additional responsibilities when the need arose. She always had a very full agenda, but she cheerfully took on any new task and made many valuable improvements in the office.

My wife Diana and I feel Kristin's departure is a personal loss for us and the residents of Virginia's 7th District, and we will miss her and her son Dylan greatly. I am very proud of the great and unselfish work Kristin Young has done on behalf of the citizens of Virginia. I am most proud to join many, many others in calling her a friend. I know that I reflect the feelings of all of her fellow staff members in wishing her continued success and happiness.

IN HONOR OF THE GOLDEN JUBILEE ANNIVERSARY OF SISTER ANN KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Ann Kilbane, Pastoral Life Coordinator at St. Colman's Church, on the joyous occasion of her Golden Jubilee Anniversary, a ministry of faith that reflects a legacy of leadership, activism, instruction and unwavering service to others.

Sister Ann, who is celebrating her 50th Golden Jubilee Anniversary, currently serves as the Pastoral Life Coordinator for St. Colman Church. She began her vocation in service to others as an educator, teaching at several area schools, including St. Thomas Aquinas, St. Rose, St. Joseph Academy, Our Lady of Angels and St. Clement. From 1967 to 1977, Sister Ann held the position of treasurer for St. Joseph Parish.

During that time, Sister Ann earned a Master's degree and led the effort to establish an outreach center for the people of the St. Colman neighborhood. "Mission in the City" continues to focus on the needs of families and individuals in this west side neighborhood. Sister Ann also served as business manager for St. Joseph Academy and finance coordinator for NETWORK in Washington, DC. She returned to St. Colman in 1994 as finance coordinator and was named Parish Life Coordinator in 1999.

Mr. Speaker and Colleagues, please join me in honor and celebration of the 50th Golden Jubilee Anniversary of Sister Ann Kilbane. Her vision, leadership, expertise and compassion for others continues to uplift the lives of countless families and individuals with the St. Colman Parish community, and her concern and activism continues to shine light, faith and the hope for a better day within the lives of those who are in greatest need, and throughout our entire community.

LEXINGTON LIONS CLUB 75TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SKELTON. Mr. Speaker, the Lexington, Missouri, Lions Club will celebrate its 75th an-

niversary by hosting a reception and dinner this weekend. As a Lexington Lions Club member since 1957, I know how much this organization has given to our community and I want to congratulate the Club on the achievement of this milestone.

The Lexington Lions Club was organized in 1930, with Warren Sherman Sr. serving as its first president. Members of the Club have been active in promoting the Lions organization throughout Missouri, sponsoring new clubs in the cities of Odessa, Wellington, Hardin, Richmond, Buckner, and Henrietta. The Club hosted the Missouri State Lions Convention in May 1936, and over the years, six members of the Lexington club have served as District Governors for the State of Missouri.

Over the last 75 years, the Lexington Lions Club has made countless contributions to the community, many of which focus on improving the lives of young people. The Club has sponsored Boy Scout Troop 318 for over 60 years and provides scholarship awards to Lexington High School graduates. The Club sponsors a band student at the Missouri Lions All-State Band and sponsors a student at Missouri Boys State. In addition to supporting participation in the Missouri Lions All-Star Football and Basketball programs, the Club purchased the basketball scoreboard for the Lexington High School.

The Lexington Lions Club has also worked on important community betterment projects. In the 1950s, the Club purchased property for Lions Club Park in Lexington. In August 1973, the Club donated 62 acres of land to be used as a park by the City of Lexington and donated grounds for the Little League baseball field and for the swimming pool. The Club donated 457 street markers for the City of Lexington and participates in the Adopt-A-Highway program.

Lions Clubs are recognized worldwide for their service to the blind and the visually impaired. The Lexington Lions Club provides sustaining financial support to the Missouri Lions Eye Research Foundation, the Leader Dog Program, and to the Lions Club International Foundation. As part of its mission to help others see, the Club provides eyeglasses to needy students and has collected many thousands of pairs of eyeglasses donated for those in need.

The men and women who serve their communities through membership in local service organizations contribute so much to their neighbors and epitomize the spirit of community that makes our Nation great. The Lexington Lions Club has achieved an enormous amount since its founding in 1930, and I know the members of this body join me in congratulating the Lexington Lions Club on its anniversary and wish the Club continued success in the years ahead.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL JEFFREY ALLEN BOSKOVITCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Jeffrey Allen Boskovitch, who

bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Boskovitch's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother and father, Katherine and James; his fiancé, Shelley Tevis; his brother and sister, Brian and Kimberly; his stepbrothers and sisters, Brian, Michael, Amanda, Austin, Amy and Abby; and his stepparents, Steve and Vicki.

Corporal Boskovitch's energetic spirit and expansive heart easily drew others to him. His steadfast focus on serving the public and his leadership abilities were evidenced throughout his life. He was a 1999 graduate of Normandy High School and a 2001 graduate and Class President of the Tri-C Police Academy of Parma. Corporal Boskovitch held his unit in Iraq, the servicemen and servicewomen of the 3rd Battalion, 25th Marine Regiment, as closely connected to his heart as family. He declined a promotion in order to stay with his military unit.

Mr. Speaker and colleagues, please join me in honor and remembrance of Lance Corporal Jeffrey Boskovitch. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, significant service and true heart that framed the life of Corporal Boskovitch will live forever in the memories and hearts of all those who knew and loved him best—his family and friends. And his legacy of service and courage will be honored and remembered by the Cleveland community and by our entire Nation, today and for all time.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL EDWARD AUGUST "AUGIE" SCHROEDER II

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Edward August "Augie" Schroeder II, who courageously and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Schroeder's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother and father, Rosemary and Paul, and his sister, Amanda.

A kind soul who possessed an offbeat sense of humor and tangible joy for life, Corporal Schroeder was always willing to go the extra mile for anyone in need. His commitment to helping others was reflected in his work as an Emergency Medical Technician, lifeguard and Boy Scout counselor. Corporal Schroeder reveled in the role of team player and reflected a true sense of connectedness to others throughout his life, as is clearly evidenced throughout his involvement as part of the 3rd Battalion, 25th Marine Regiment.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Lance Corporal Edward August "Augie" Schroeder II. I extend my deepest condolences to his mother, Rosemary Palmer; his father, Paul Schroeder; his

sister, Amanda Schroeder; and to his extended family members and many friends.

The significant sacrifice, service, bravery, joy and energy that framed the life of Corporal Schroeder will live on as a legacy and testament to all that is good in humanity, and his life will forever be honored and remembered by the Cleveland community, and will always be held close within the hearts and minds of all whom loved him well and knew him best—his family and friends.

TRIBUTE TO PRESIDENT PERVEZ
MUSHARRAF OF PAKISTAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, President Pervez Musharraf is, quite literally, the “Indispensable Man” in Pakistan politics today—and promises to be one of the most significant and pivotal figures in Pakistan’s history.

President Musharraf has transformed Pakistan into a reliable friend of the United States in the global war on terror. Unlike some other friends and putative allies of the United States, Pakistan has sealed its commitment to fight terrorism with the blood of its military forces; over 200 Pakistani soldiers have been killed in combat with al Qaeda, Taliban and other extremists in Pakistan’s Northwest Territories in the last two years.

Pakistani authorities have also captured or killed hundreds of foreign terrorists and extremists. The United States has officially designated Pakistan a “major non-NATO ally” in recognition of the importance of Pakistan to the security interests of the United States. President Musharraf himself has survived two assassination attempts by al Qaeda, yet he has refused to back down.

Mr. Speaker, if anyone had any doubts that President Musharraf is a man of vision, they need look no further than the recent and unprecedented meeting between the Israeli and Pakistani foreign ministers in Turkey. This momentous event could well usher in a new era of cooperation and friendship between these two states. All of us should welcome this farsighted action by the Pakistani President. This action, taken in the wake of Israel’s disengagement from Gaza, sends a strong signal to the entire Muslim world: It is time for all Muslim-majority states—not only Egypt, Jordan, Turkey and a very few others—to deal openly with Israel and to recognize it. They can make no greater contribution to Middle East peace.

Also, there is now the very real possibility that India and Pakistan may finally begin to put over a half-century of animosity and distrust behind them. This is due in no small measure to the efforts of President Musharraf.

No other figure in Pakistan commands the world-wide respect that its President does, Mr. Speaker. He is moving Pakistan forward to what I hope will be a stable democracy, a peaceful and prosperous country and a reliable and valued partner of the United States in bringing stability, security and peace to the region. All this, if it comes to pass, will be due in large part to the leadership and vision of President Pervez Musharraf.

A TRIBUTE TO THOMAS JEFFERSON UNIVERSITY AND THOMAS JEFFERSON UNIVERSITY HOSPITAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Thomas Jefferson University and Thomas Jefferson University Hospital on the occasion of its Annual Awards Gala. Jefferson hospital has provided the best in health care services to countless citizens of the Commonwealth of Pennsylvania.

The university and hospital have improved the lives of people in our region and across the nation through their research and educational programs. I applaud this remarkable institution as it leads the way to better lives in the 21st century.

It’s hard to think of Jefferson without being reminded of the extraordinary contributions of two people who will be honored at the Gala this year: Dorrance H. Hamilton, who will receive the Award of Merit, and Dr. Francis E. Rosato who will receive the Achievement Award in Medicine. I give them my congratulations and my very best wishes. They and Jefferson are to be commended for a job well done, and for providing inspiration to all of us. I ask that you and my other distinguished colleagues rise to congratulate these exceptional individuals.

DR. BYRON P. STEELE II

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor Dr. Byron P. Steele II for his contributions to our community that have led to the dedication of a high school in his name.

Dr. Steele is a native Texan with a love for horses, ranching, fishing, and hunting. He has spent his entire life in the greater San Antonio area, devoting nearly his entire career to the teaching community and the students of Texas.

In August 1957, Dr. Steele began that teaching career at Collins Garden Elementary School, in the San Antonio Independent School District. While teaching, Dr. Steele worked toward his Master of Education Degree at night.

From 1965 to 1968, Dr. Steele directed the Bexar County Head Start Program, designed to provide low-income preschoolers with a comprehensive program to meet all their needs. Dr. Steele is one of the pioneers of this program, which largely owes its success to these early designers.

Dr. Steele then returned to public education and became a principal at the elementary, junior high school, and high school levels. He then went on to earn his doctorate before becoming the superintendent of Malone ISD, then Devine ISD, and finally the Schertz-Cibolo-Universal City ISD, where he remained for eighteen years.

At the request of the community, and as a tribute to his devotion to the students of Texas

and the SCUCISD, the school board has decided to name the school district’s second high school after Dr. Steele.

One can never underestimate the value and importance of our teachers and schools, which guide our children from a very young age into adulthood. I am honored to come here today to recognize Dr. Steele’s contributions to our community, and I offer Steele High School my best wishes as it begins to carry on the legacy of this great Texan.

TRIBUTE TO TERENCE LIONEL
MARTIN OF RICHMOND, CA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay special tribute to a true hero, Terence Lionel Martin, of Richmond, California, and call attention to the valiant actions that led to his tragic death on August 23, 2005.

Raised in Richmond, Terence was known throughout the community as a born leader, a “peacemaker” and a “problem solver.” The son of Clara and Lonnie Martin, Terence, known as Terry by his friends, followed his parents’ career path to work with the West Contra Costa School District. He had been a valued employee for 22 years and an esteemed member of our community.

It was his natural “peacemaker” instinct that he acted upon while driving home from work one day this past August. Mr. Martin spotted a young man beating his pregnant, sixteen-year-old girlfriend. Without regard for his own safety, Mr. Martin pulled over, demanded the young man stop and offered his assistance to the young woman. The young man pulled out a gun and shot and killed Terence, just blocks away from his workplace. The community was shaken by this senseless killing and is poorer for this loss. In Terence’s name, I ask my colleagues to join me in recommitting ourselves to the principles of peace and safety on our city streets.

Terence Martin is survived by his parents, his sister Sharon Johnson, his young daughter Brittney Martin, his extended family, and many treasured friends. To all of Terence’s family and friends, I offer my sincere condolences and hope that you are comforted by knowing that he died trying to make a difference, that he was truly respected and loved by so many and that he will not be forgotten.

A TRIBUTE TO LARRY MAGID AND HIS STAFF AT ELECTRIC FACTORY CONCERTS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Larry Magid and his staff at Electric Factory Concerts. On July 2, 2005 Larry Magid and his staff at Electric Factory Concerts produced the U.S. portion of LIVE 8, a concert to help eliminate poverty in Africa. Over a million people gathered on Philadelphia’s Benjamin Franklin Parkway, to watch

the largest global concert ever; seen by over 3 billion people in over 130 countries. Electric Factory Concerts also produced the original LIVE AID concert in 1985, held at Philadelphia's JFK Stadium.

Of the 9 shows happening in 9 countries on July 2nd, 2005 (U.K., Japan, Russia, South Africa, Canada, Germany, France, Italy, U.S.)—the U.S. show in Philadelphia held the largest crowd.

Larry Magid and his staff at Electric Factory Concerts were instrumental in every aspect of this show's phenomenal success. Magid pulled together an extraordinary effort to make sure LIVE 8 played Philadelphia, especially as other Northeast cities vied to have the show.

Once the date and location were set, EFC had only six and a half weeks to plan and coordinate the largest show in Philadelphia's history. Magid and his staff, especially Adam Spivak, John Stevenson and Jim Sutcliffe, were vital to making this truly historic show a rousing success for both Philadelphia and the world. For this, Mr. Speaker, I would like to express my deepest gratitude and commend these men for all of their hard work in the creation of such an amazing production.

CELEBRATING THE LONE STAR
CIRCLE OF LIFE BIKE TOUR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Lone Star Circle of Life Bike Tour for 7 years of successful service to the people of San Antonio, Texas.

The Lone Star Circle of Life Bike Tour is an annual event which promotes the gift of life. Twelve cyclists spread the message of blood, marrow, organ, and tissue donation throughout the community as they ride.

With the help of Texas donor centers, the twelve cyclists not only change lives but save lives too. Each participant rides over 500 miles in a 6 day period in honor of someone needing a transplant.

Each non-professional rider is chosen in the spring specifically by a committee made up of the tour director, tour captain, a bone marrow coordinator, and a former participant. The rider not only must be physically capable to ride the entire tour, but their life must have been touched by a donation, meaning the rider or someone from their family has made a donation or received one.

Several stops are made along the way to honor recipients, donors, and their families. The stops also give community members the opportunity to learn about blood, marrow, organ, and tissue donation. This gives the community the chance to speak with someone who has experienced a donation.

The tour brings communities together and recognizes the importance of being a donor, and I am proud to have had the opportunity to recognize this event here today.

TRIBUTE TO AMBASSADOR ULRIK
FEDERSPIEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending and bidding farewell to Ambassador Ulrik Federspiel, Denmark's Ambassador to the United States since May 2000. Throughout his remarkable career, Ambassador Federspiel has worked tirelessly to strengthen the already close relationship between the United States and Denmark. Indeed, the Danes are fortunate to have had such an illustrious representative in Washington, and the United States has had no better friend and ally in the Diplomatic Corps here in Washington than Ambassador Federspiel.

Mr. Federspiel began his career in the Danish Foreign Service in 1971 and was immediately assigned to the prestigious European Community office within the Foreign Ministry. As we all know, Denmark became a member of the EC in 1973.

His outstanding contributions on EC matters earned him the post in London as First Secretary of Political Affairs from 1973 to 1977. During this time he worked in cooperation with several African states in the process of democratizing countries including Zimbabwe, Angola and Namibia. Mr. Federspiel was especially active in supporting the anti-apartheid movement in South Africa. As a result, he was personally invited to the inauguration of President Nelson Mandela in 1993 and became a consultant to the modern integrated South African administration.

In 1981, Ambassador Federspiel returned to Copenhagen to become Special Assistant to the Permanent Secretary of State for Foreign Affairs, a post he held until he arrived in Washington to serve as Deputy Chief of Mission at the Danish Embassy in 1984. He quickly developed a reputation in Washington as a quick study with an imposing intellect combined with a personable, friendly demeanor. Ambassador Federspiel came to understand that not only does Denmark have a critical role to play in European matters, but, for a small country, Denmark could "punch above its weight" on transatlantic economic and political issues.

As State Secretary for Foreign Affairs from 1991–93, Ulrik Federspiel worked to support independence for the Baltic states, who were emerging from the dark years of Soviet occupation. Denmark was the first country in the world to recognize the three former Soviet countries of Estonia, Latvia and Lithuania.

From 1993 to 1997 Ambassador Federspiel's outstanding record brought the notice of the most senior members of the Danish government and he was asked to serve as Chief of Staff to the Prime Minister. At the European Union summit in June 1993 under the Danish presidency, Mr. Federspiel drafted the portion of the Copenhagen Criteria that set standards for EU membership. Ambassador Federspiel became a staunch proponent of NATO expansion and has since taken a leading role in the process. Among his other accomplishments while in the Prime Minister's Office, he played an important role in the Danish decision to play an active part in Bosnia, having the largest contingency of ground

troops there per capita, and the only country to have heavy armor, namely ten tanks.

Mr. Speaker, upon arriving in the United States in 2000, Ambassador Federspiel became actively engaged in solving trade disputes between the EU, Denmark and the United States. His diplomatic skills were effective in resolving high-profile trade disputes, including the carousel sanctions and the import ban on pork. Mutually beneficial trade has been expanded between the U.S. and Denmark through close cooperation between the former U.S. Ambassador in Copenhagen Richard N. Swett and Ulrik Federspiel.

Mr. Speaker, Ambassador Federspiel has brought his dynamism and passion to many political and humanitarian issues. Since completing his military service in the Royal Danish Navy in Greenland in 1962–63, he has taken a keen interest in Greenland and its population. In 1984, when he became Deputy Chief of Mission to the Danish Embassy in Washington, D.C., the relationship between Greenland, the United States and Denmark became one of his priorities. The Ambassador has played an instrumental role in furthering the interests of the Home Rule Government and that of the Danish realm and has worked in close cooperation with the U.S. government, especially on Thule Air Base. He was deeply involved in the 2002–2004 negotiations leading to the so-called Igaliku-agreement between the U.S., Greenland and Denmark that paved the way for upgrading the Thule radar to be used in the Missile Defense System. The island and the base are strategic elements for defense and security preparedness for both the U.S. and Europe.

Ambassador Federspiel is also an accomplished academic. He graduated from the University of Aarhus in political science in 1970 and completed a year of post-graduate studies at the University of Pennsylvania, earning an MA in 1971. He has been a visiting lecturer at George Washington University and the University of Copenhagen, and he also has served on the governing board of the University of Copenhagen.

His interest in supporting academic excellence has continued. He is an Honorary Trustee of the Crown Prince Frederick Fund for Harvard University that supports two scholarships annually for exemplary Danish university students. Ambassador Federspiel currently sits on the advisory board of Humanity in Action (HIA), a unique educational program between Denmark, the United States, the Netherlands, Germany and France. The HIA program provides the opportunity for outstanding university students to intensively study human rights and democratic values, as well as to hold an internship with the U.S. Congress.

Ambassador Federspiel's commitment to working for others is undoubtedly a result of his and his family's experiences growing up in war-torn Europe. During the Nazi occupation of Denmark, Ambassador Federspiel's father, Per Federspiel, was imprisoned for a year due to his involvement in the rescue of the Jews in October 1943. Needless to say, Ambassador Federspiel has proven himself to be a strong and consistent supporter of the State of Israel.

After the horrible events of September 11th, Ambassador Federspiel and the Danish people were among the first to support the American people and the cause of freedom. As a

NATO member, Denmark is one of the strongest supporters of the United States in its campaign against terrorism. It still has soldiers and its air force present in Afghanistan. From day one in 2003 Denmark took part in the coalition's efforts in Iraq with combat troops. It still has 531 combat troops and now has an embassy and an Ambassador in Baghdad. Ambassador Federspiel has worked tirelessly with the Danish government's major role in the reconstruction of Iraq.

Ambassador Federspiel has also been very much involved in other areas of the Middle East. During the Danish EU presidency in 2002, Denmark worked closely with the EU in drafting the Road Map for peace in the Arab-Israeli dispute. Furthermore, since early 2003 Ambassador Federspiel has worked to promote his government's ideas about reform, democracy and security in the Broader Middle East and North Africa (BMENA). Denmark and the U.S. are now seen as the parents of this idea that is generally accepted by the EU, G8 and BMENA countries.

He has seen the importance in strengthening inter-parliamentary relations and has helped to build and support the Congressional Friends of Denmark. As a result of this important work, the NATO Parliamentary Assembly U.S. House of Representatives delegation will participate in bilateral meetings with the Danish parliament in November.

Ambassador Federspiel has also strengthened the economic relations between the U.S. and Denmark, and direct investments in both countries have increased over the last years. In the transatlantic dispute over lifting the EU's weapon embargo towards China, Ambassador Federspiel played a crucial role in postponing the lifting of the embargo indefinitely. Denmark is a consistent defender of the human rights of the Chinese people.

Mr. Speaker, I ask my colleagues to join me in thanking Ambassador Federspiel for his outstanding service and uncompromising dedication to furthering the friendship between our two great countries, and to wish him well in his future endeavors.

RECOGNITION OF PETE MATTIVI'S 100TH BIRTHDAY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SALAZAR. Mr. Speaker, I submit recognition in honor of Pete Mattivi of New Castle, Colorado on the occasion of his 100th birthday. Since his earliest days, Pete has been dedicated to helping his community. He is well loved and respected by all who know him. With wishes for many more years of happiness and health, I congratulate Pete by submitting into the CONGRESSIONAL RECORD the following Glenwood Springs Post Independent article, dated September 12, 2005:

With a twinkle in his eyes and a smile on his face, Pete Mattivi, of New Castle, credits "wine, women and song" with reaching his 100th birthday.

But on a more serious note, he says it's friends, family and his creator that allowed him to see his centennial year on Sept. 8, 2005.

A birthday celebration held Sunday afternoon for Mattivi in Burning Mountain Park

drew a huge crowd and a long line of people who wanted to congratulate him and wish him well.

With music by "Heart of the Rockies" and a buffet of birthday cake and ice cream, Mattivi sat in a folding chair, his cane over his legs as friends lined up to speak to him.

Some were old friends, in wheelchairs and walkers, and some were newer friends who knew of the illustrious Mattivi, although they might not have met him before.

"You are so wonderful—everybody loves you," said longtime New Castle resident Rosie Ferrin.

"One hundred years old—you look great," another well-wisher admired.

"I feel that way, too!" Mattivi smiled and agreed.

Some shared old memories they had with Mattivi.

Liz Lewis, of Rifle, recalled when she was a school bus driver in the 1970s and on a field trip with the kids while Mattivi recounted the history of Marble for the students.

"It was one of the most interesting trips I'd ever been on," Lewis said.

Mattivi has long been a well-known figure in the small town that currently has a population of about 3,000.

Born in 1905, he was raised in Crystal and lived in Marble, Salida and Glenwood Springs before settling in New Castle in 1929. There, he helped his brother, Matt, open a small service station in town, which was booming at that time.

In 1931, he married Opal Woos and the two operated the Mattivi Motor Company at 298 W. Main St. It was later the Three Rivers Repair/Phillips 66 station. Mattivi retired from the business in 1982. Opal Mattivi passed away in August 2000.

Mattivi was also a former longtime mayor of New Castle, serving from 1954 to 1969, and from 1974 to 1981. He was a Garfield County Commissioner from 1957 to 1977 and served 10 years on the Re-2 school board.

"Can we have your autograph?" asked Karen Wentzel, the wife of current mayor Bill Wentzel, when it was her turn in line as she showed Mattivi a collage she had of his past birthdays.

Mattivi graciously signed his name.

For years, Mattivi was known for his beautiful flower gardens at his home on Main Street, just across the street from where his daughter, Pam Bunn, now owns and operates the New Castle Cafe.

"He comes in for breakfast every morning at 8:30 on the dot," Bunn said with a laugh. "He also comes to the senior lunch and dinners."

Mattivi sold a portion of his property on the west side in 1997 but continues to garden the rest.

And even at 100, he is still active, riding his scooter across the street to the cafe and tending to his yard.

Mattivi has no big secrets to making it to the big 1-0-0.

"I live day by day," Mattivi said earnestly. "The next thing you know, you're 100. People have been good to me, and my creator has been good to me. I've just followed what was given to me."

NATIONAL ADDICTION RECOVERY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. VAN HOLLEN. Mr. Speaker, as we celebrate National Addiction Recovery Month this

September, I would be honored to have Congress join me in celebrating those who commit their time and effort to addiction recovery.

Last year, over 19 million Americans used illicit drugs. Fifty-five million had engaged in binge drinking, and over 16 million are considered heavy drinkers. These numbers are more than just statistics. If you take the time to examine them, they are in fact quite staggering. Imagine if the entire populations of New York and Los Angeles combined were all illicit drug users. Imagine if the entire population of Florida were heavy drinkers. That's how prevalent the problem is. The impact is felt not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. Each one of those millions of Americans has a story, and we should ensure that each one of them has the chance to tell their story to an addiction counselor, in hopes that they will receive the necessary treatment and care. Addiction is a disease, as serious and as deadly as many others. Alcohol and drug addiction are very serious, and very destructive. No one is immune from addiction, as it afflicts people of all ages, all races, all classes, and all professions.

As with any serious disease, the treatment for addiction relies on great amounts of research and advances in health sciences. The National Institutes of Health is a leader in this regard, and many of its 27 institutes have committed funds to research on addiction, including research on how addiction takes over the brain, the body, and the central nervous system. Two institutes in particular at NIH focus only on this issue of critical importance: The National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism. For many decades, these two institutes have been making tremendous strides in the fight against addiction. Congress spends billions of dollars each year on addiction research, and these institutes have justified our faith and commitment to this issue.

Too often, problems in our society carry with them a certain stigma. Addiction is one such problem. Thousands, if not millions, of people do not seek treatment for addiction because of a misunderstanding of their condition, both on their behalf and on society's behalf. NIDA and NIAAA have both sought to understand this stigma, and bring it to an end. Led by Dr. Nora Volkow and Dr. T.K. Li, respectively, NIDA and NIAAA are constantly making progress to improve our understanding and treatment of addiction. Addiction is a disease, and must be attacked as such. Our fight against it must be aggressive and unyielding. Both NIDA and NIAAA fund scientists all over the country, who in turn will one day unlock the mysteries of addiction and its impact on individuals and society.

NIDA and NIAAA provide the ammunition for the troops on the front lines battling this disease. I am referring of course to the addiction counselors, who must daily encounter the difficult task of prevention, intervention, and treatment. These foot-soldiers in our war against addiction need all of the support we can give them. I believe, Mr. Speaker, that we can show our support for them through our strong support for NIDA, NIAAA, and the other NIH institutes committed to solving the enigma of addiction.

Mr. Speaker, I ask you and all of my colleagues to join me in recognizing the priceless contributions of NIDA, NIAAA, and addiction counselors, and giving them our gratitude. Congress has shown strong support for this issue in the past in several ways—through legislation, through funding for the National Institutes of Health and the CDC, and through displaying a constant awareness of the gravity of this issue. Yet we are far from victory, and must continue our steadfast fight against drug and alcohol addiction. We look forward to the day when addiction to drugs and alcohol are eradicated, and these wonderful professionals can take their final bow. Until then, their hard work should be recognized and, more importantly, honored and appreciated.

REMARKS ON HURRICANE
KATRINA

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. BALDWIN. Mr. Speaker, with a heavy heart, I rise today in solidarity with my fellow Americans who suffered the devastation of Hurricane Katrina and its aftermath. We deeply mourn the loss of life. We share the pain of those who are suffering physically and emotionally from this trauma. And we also mourn the loss of some of our faith in government to respond in full measure to people in need.

In the past few days I have received scores of calls and e-mails from my constituents in Wisconsin expressing their support for the victims of the devastation and also their outrage at the slow and inefficient federal response to that tragedy.

Wisconsinites are deeply ashamed of the images of abandonment and neglect they saw on TV and desperate to help in rescue efforts. My heart goes out to the victims of Hurricane Katrina and to those family members here in Wisconsin and across the country waiting for word from their loved ones. While Americans are reaching into their wallets to support private relief efforts, there should be no doubt that the federal government must provide the leadership to ultimately meet the challenges of this situation.

Particularly disturbing is that we have spent more than \$36.7 billion dollars since the September 11th terrorist attacks planning for a response to a disaster of epic proportions. Now we've had one. Given the response of the Department of Homeland Security to this disaster, every aspect of that Department's performance and capability is now called into question and the security of every American hangs in the balance. Wisconsinites are not alone in calling for a government investigation into this catastrophic failure and an immediate overhaul of the system so that such a failure never again occurs.

Congress has now sent more than \$62 billion in federal disaster relief to help save and aid hurricane victims and I supported this authorization of money. But money, alone, will not solve the problems we face.

The response to this disaster showed us many things, among them that our social safety net has been badly neglected. It showed us also that we have been inadequate stewards of the environment.

Whether it's our failure to fight poverty and provide health care to all in America; or our failure to make proper and adequate investments in infrastructure (including our emergency communications infrastructure); or our failure to protect the natural buffers, our coastal wetlands and barrier island which serve as Mother Nature's shock absorbers; or our failure to listen to scientists long warning us of climate change; or our failure to embark upon a path that decreases (rather than increases) our dependence on finite resources so that future generations won't experience the fear and anxiety that grips all of our constituents when fuel becomes unaffordable.

All of this was revealed stunningly in recent days. Let us not ignore what was exposed to us. This time, let's seize the opportunity to work toward the common good; to help those with the least, not just those with the most; and to make good on the social compact.

In the aftermath of Hurricane Katrina, we have the opportunity to reclaim the promise of America. Failure is not an option.

THE U.S. MERCHANT MARINE: WE
DELIVER THE GOODS!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. FILNER. Mr. Speaker, when I introduced H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act" the positive response was overwhelming. Many of these Merchant Mariners have shared their harrowing, 60-year-old stories and experiences with me, and each personal account strengthens my resolve to see that these brave heroes are treated with respect by the U.S. government.

In my ongoing fight to correct the injustice being done to the U.S. Merchant Marines—men who have yet to be given full benefits as World War II veterans—I would like to submit the following article from *The American Legion* by Dan Allsup, a freelance writer from the St. Louis area, entitled, "We Deliver the Goods":

It's not that Bob Bodine wanted to avoid the World War II draft in 1943. He just didn't think being an Army infantryman sounded like a whole lot of fun.

Bodine tried to join the Army Air Corps but failed the vision test. He talked to a Navy aviation recruiter, but the Navy was bringing on 17-year-olds at the time. Bodine was too old at 18.

"What else is there?" he asked the recruiter. "Well, there's the Merchant Marine, but they've got a hell of a casualty rate," the recruiter said.

Bodine, now 80, recalls the conversation. "What does a teenager care about casualty statistics? I always liked boats, so the Merchant Marine sounded pretty good to me."

He secured a slot at the U.S. Merchant Marine Academy at Kings Point, NY. In his second year, Bodine sailed off on a required 9-month cruise to the Mediterranean. It didn't take long for him to realize that if he was trying to avoid the draft, he could have taken an easier route. Bodine was a crew-member aboard the USS *Fleming*, which was hauling a dozen P-51 aircraft and a huge load of vehicle and aviation fuel to the troops. The *Fleming* was part of a 110-ship convoy. While it escaped the war unscathed, 50 of her sister ships were sunk by German U-boats and floating mines.

Bodine is one of the more than 243,000 civilian volunteer mariners who served aboard ships that provided the greatest seafight in history. Critical to the war effort, the U.S. merchant fleet delivered troops, supplies, ammunition and equipment all over the world. It took part in every invasion from Normandy to Okinawa, often becoming sitting-duck targets for enemy submarines, mines, bombers and kamikaze pilots. Fighting was especially fierce in the Atlantic, where "wolf packs" of German submarines and deadly U-boats prowled the ocean destroying Merchant Marine ships in an attempt to isolate Great Britain. Closer to home, enemy submarines sank hundreds of ships off the eastern coast of the United States.

In the first 6 months of 1942, German U-boats alone sank more than 400 U.S. merchant ships. Because no official history has been written of the Merchant Marine in World War II, casualty numbers vary from source to source. It is believed, however, that about 9,300 mariners were killed during the war, and more than 1,500 of their ships were sunk. Fortunately, because most Merchant Marine ships traveled in convoys, many of the mariners aboard wounded vessels were fished from the sea by nearby ships. About 600 mariners were prisoners of war and another 11,000 were injured.

Susan Clark, public-affairs officer for the U.S. Maritime Administration—the Federal agency most involved with the Merchant Marine—said that other than the U.S. Marines, mariners had a higher death rate than any other branch of the service during the war. (Some mariners may take exception to that statistic. A web site for Merchant Marine veterans says their death rate was 1 in 26 and the Marine Corps was 1 in 34.)

President Franklin Roosevelt summed up the war contributions of the U.S. Merchant Marine: "The (mariners) have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken."

Despite their losses and their importance to the war effort, surviving mariners weren't met with parades and flags when they returned home. They weren't considered veterans. They couldn't take advantage of the GI Bill, small business loans or medical care for disabilities. Officially, they were civilians. If they were lucky, they received a thank you letter and a lapel pin from the President. After years of fighting the system and a long court battle, some World War II mariners finally received limited veteran status on Jan. 19, 1988.

Sixty years after he last hung up his Merchant Marine uniform, Bodine and many of his Academy classmates still can't believe they weren't considered members of the U.S. Armed Forces during the war. "I didn't know otherwise until I realized that I wasn't eligible for the GI Bill or any other veterans benefits," he said.

Although some bitterness about the lack of recognition remains, the Merchant Marine sails on today. After the Sept. 11, 2001 terrorist attacks, 29 Merchant Marine Academy students operated a fleet of boats into New York Harbor, transporting firefighters and other emergency workers, along with food and medical supplies.

Today, more than 8,000 mariners serve in the Military Sealift Command, most of them working in support of the Iraqi war. An average vessel moves the equivalent of about 300 C-17 cargo aircraft, freeing up aircraft for other critical missions.

From the Revolutionary War to Operation Iraqi Freedom, the U.S. Merchant Marine has delivered the goods.

25TH ANNIVERSARY OF UNM-LOS
ALAMOS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to mark the 25th anniversary of the Los Alamos branch of the University of New Mexico. Nestled in the mountains, this bustling center of science and education is a mainstay in the community of Los Alamos. Initially a graduate studies center for science, engineering and management, UNM-Los Alamos has evolved into a state-of-the-art facility offering a broad base of educational programs.

UNM-LA offers a variety of associate's degrees and certificates, as well as courses that transfer toward a bachelor's degree. Small, personalized classes taught by dedicated instructors give students the attention normally associated with liberal arts colleges. Affordability is also a key factor at UNM-LA as lower division classes cost students a mere 25 percent of the main campus tuition rate.

Student success is the main focus at UNM-LA where a range of classes are offered on many educational levels to students from diverse backgrounds. UNM-LA provides Adult Basic Education, GED training, English as a Second Language instruction and a tutorial center to supplement the classroom experience. In addition to the core curriculum, upper division classes are available to graduate students through the UNM Extended University at UNM-LA.

In partnership with the Los Alamos National Laboratory, UNM-LA provides the most current computer training to Lab and contract employees. Responsive to current need, these classes enable employees to build necessary skills for career advancement within the Lab. Several science and technology programs prepare students for work at the Lab and many UNM-LA graduates find employment at LANL.

Approximately 2,500 students attend UNM-LA each year with campus housing available to those who wish to live in the beautiful Los Alamos area. Campus life includes student government, music, art and a Student Center with numerous activities. The natural beauty and recreation opportunities surrounding the campus make UNM-LA an ideal setting for living and learning.

UNM-LA further enriches the community by hosting events such as concerts, art exhibits and lectures on campus throughout the year. Several satellite locations in neighboring communities give access to students outside the main campus area. UNM-LA is also involved in the administration of two small business development centers in Los Alamos and Sandoval counties.

Mr. Speaker, UNM-LA has brought quality higher learning to the dynamic Los Alamos area. Serving Northern New Mexico for 25 years now, UNM-LA has provided well-rounded educational and life experiences to thousands of students. Graduates of UNM-LA have no doubt taken with them a strong ethic of learning and a stronger sense of community as well.

EXPRESSING CONCERN FOR
HURRICANE KATRINA VICTIMS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to express my concern for the victims of Hurricane Katrina. Our thoughts are with all those who have been stranded by the storm, separated from their family and friends, and have suffered from tremendous personal and emotional losses. Worst of all is that it was the least among us—the poor, elderly, and infirm—who appeared to suffer the most. Television broadcasts beamed poignant images of those that could not leave, who were now forced to survive in an inhabitable city seemingly overcome with the presence of death and overtaken by depravity.

Adding to our grief and inflaming our outrage is that the Federal Government was woefully unprepared for this disaster. As the world watched, we responded in a way that was completely unacceptable. Despite assurance by FEMA Director Michael Brown that his organization was taking steps to ensure that disaster teams could respond within 12 hours and that disaster relief supplies could be delivered anywhere in the country in 24 hours, stranded residents in New Orleans reportedly went 4 days without deliveries of food and water. Inaction, mismanagement, and the inability to put the appropriate personnel and resources in the right place at the right time exacerbated an already grave natural disaster.

The scope of the tragedy we have seen in the Gulf Coast was not only anticipated but could have been minimized if the appropriate steps were taken. Multiple studies had identified the potentially devastating effects of a hurricane striking New Orleans. The Army Corps of Engineers requested funds for critical reinforcements to the levees in New Orleans but those calls have been unanswered. Further, as has been widely reported, since its transfer to the Department of Homeland Security, FEMA has been significantly diminished and undervalued.

However, after these sorrowful pictures that now seem so permanently seared on our conscience begin to fade, after the appropriate investigations occur on what went so tragically wrong, and after the devastated areas start to rebuild, we must take more from Hurricane Katrina than how to better plan, prepare, and respond for a potential natural disaster. We must finally begin to recognize and remember that the Federal Government can help Americans live better lives. For too long now, the Federal Government has catered to those who can well take care of themselves. It's about time we started to care and demonstrate compassion for those being left behind not just in New Orleans but throughout America.

RELATING TO THE TERRORIST AT-
TACKS AGAINST THE UNITED
STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BISHOP of New York. Mr. Speaker, as our nation continues to deliver relief to the victims of Hurricane Katrina, we pause to remember the victims of an earlier American tragedy on the fourth anniversary of the terrorist attacks of September 11, 2001.

While grasping to comprehend the enormity of the natural disaster that has befallen the Gulf Coast region, Americans to this day still struggle to make sense of the terrorists' ruthlessness, their hatred of our core values of liberty, democracy and equality, as well as their capacity for the horrific atrocities they carried out against innocent men, women and children 4 years ago today.

As we remember our loss on September 11th, we are also reminded of the strength of the human spirit when other crises arrived. Since the terrorist attacks on the World Trade Center and the Pentagon, we have witnessed a world united in action and sharing a common goal of helping those most in need in the aftermath of tragedy, including the tsunami in Southern Asia, the terrorist attacks in Spain and England, and now in the wake of Hurricane Katrina.

Our Nation continues to heal from September 11, 2001, but with firm resolve, we have moved forward to rebuild—never bowing to terrorist demands or allowing an unwelcome sense of vulnerability to permeate our lives. With even greater respect and admiration for our first responders, medical professionals and other heroes across our Nation, we honor their valor and sacrifices as they ease mankind's suffering and elevate humanity to new heights.

On this day, Mr. Speaker, we will always remember and honor the Americans lost at the hands of terrorist attackers. This year, once again, we extend our deepest sympathies to their families, friends, and loved ones.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. MOORE of Kansas. Mr. Speaker, on September 6, I was surveying damage from Hurricane Katrina in Louisiana and failed to cast recorded votes on rollcall votes 454 and 455. Had I cast my votes, I would have voted "yes" on both.

Last week, I traveled to Louisiana with a constituent who is the president and founder of Heart to Heart International, Dr. Gary Morsch. Heart to Heart International, a Kansas-based humanitarian organization that serves the needs of the poor and provides aid to those most affected by natural disasters, has established a forward distribution center in Jefferson Parish, Louisiana, to distribute aid to the refugees of Hurricane Katrina. A team organized by Heart to Heart International traveled to this forward distribution site to deliver

aid, determine assignments for possible future teams, and prepare to receive future shipments to deliver to agencies sheltering refugees.

I deeply appreciate the work of private relief organizations like Heart to Heart International that play a critical role in the public-private response to natural disasters. While private organizations do their part for disaster relief, government at every level needs to work together to plan for inevitable natural disasters and coordinate relief efforts. I will continue working within Congress to ensure that the federal government's response to future disasters, whether natural or man-made, is as efficient and timely as possible.

EXPRESSING CONDOLENCES OF NATION TO VICTIMS OF HURRICANE KATRINA

SPEECH OF

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 2005

Mr. TANNER. Mr. Speaker, I rise today to speak about the tragedy that has resulted from Hurricane Katrina. Like our colleagues and so many Americans, I watched with sadness as this massive storm approached the coast and threatened to wreak unprecedented destruction on anything that stood in its path.

Over the hours that followed, we learned that entire communities along the Gulf of Mexico coast had literally been devastated, homes and businesses had been destroyed, churches and schools were in ruins, and floodwaters continued to rise in New Orleans. While the physical damage was restricted to the Gulf Coast region itself, we all recognized immediately that Hurricane Katrina was a national catastrophe that would touch millions and have long-term effects on us all.

The people of Louisiana, Mississippi and Alabama need strong leadership in Washington right now. The Federal Government can and will stand strong to do all we can until the flood waters recede, homes are rebuilt, families and communities are reunited and normalcy returns. However, it will require the time and efforts of us all.

The American people have responded with overwhelming generosity. Citizens from Tennessee and elsewhere across the country have donated their time, goods and money to help in every possible way with the relief effort. Many communities in our State have shown again how we earned our nickname "The Volunteer State," and I know many other communities have also proven their kindness, welcoming with open arms those who have literally lost everything and been forced from their homes. There are countless stories of families, churches and schools opening their doors and taking in these newly found homeless. I am proud of my fellow Tennesseans and our fellow Americans in showing such support for those who need help.

Our Nation continues to face unprecedented threats on physical, emotional and economic fronts, and we will fight those battles together. Federal, State and local officials, private industry and charitable organizations must work together to fight these battles and start the process of rebuilding our communities, and I

hope our Nation will be stronger. Mr. Speaker, we have watched a terrible disaster unfold, but I am certain Americans will stand together and meet these challenges with the American spirit that has helped us through so many tough times before.

ACE AND TJ RALLY THEIR LISTENERS

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. MYRICK. Mr. Speaker, America is heartbroken by the loss of life and property Louisiana, Mississippi, and Alabama have experienced due to Hurricane Katrina. It is the largest natural disaster in the history of our country. As the people in the effected areas are suffering and have called for help, citizens across the country have heard their cries and have responded.

All across America citizens are organizing drives to help people in the Gulf States. They are giving money, gathering supplies, and working to make sure people displaced from these areas find shelter. I would like to recognize one such effort in my hometown of Charlotte, NC.

Charlotte has 2 very popular radio disc jockey's—Ace and TJ. They are two of Louisiana's favorite sons, and in the wake of disaster that has effected their home State, and areas around it, they organized one of the Nation's fastest and largest private responses to the disaster in the Gulf.

Ace and TJ decided they would do a donation drive for victims of Hurricane Katrina, asked their listeners to "give to the Gulf." They asked listeners to donate money and supplies such as water, canned goods, generators, diapers, and baby wipes for the victims. Their radio listener family responded to their call in large numbers.

Ace, TJ, Madden, Yankee Pete, Ryan, and the local radio station Kiss 95.1 FM began their donation drive on Monday, August 29, 2005, at noon. The response was so overwhelming that they continued to air their efforts until midnight that night.

Ace and TJ, over local 400 volunteers, and local businesses all pulled together and worked for more than 4 straight days for hurricane victims. They took in the supplies and loaded them onto tractor trailer trucks. Local restaurants even chipped in by contributing food for the volunteers, and businesses contributed supplies and expertise on how to properly load the supplies. The whole Charlotte community pulled together for this effort.

I would also like to point out that their listeners in Chattanooga, Tennessee, Beckley and Bluefield, West Virginia, and Birmingham, Alabama, also contributed money and supplies to their effort.

When Ace and TJ first started this drive they thought they would try to load up one tractor trailer, and get about \$50,000 to contribute to hurricane victims. I am happy to say that Ace and TJ's radio listeners went above and beyond their first estimates. The listeners poured out their hearts and have contributed almost \$500,000, and filled up 26 18-wheeler tractor trailers trucks full of supplies.

Then, if getting the money and supplies weren't enough, they personally ensured that

the supplies were driven down to Cenla, Louisiana, so they could be used immediately by the evacuees from the Gulf area.

Mr. Speaker, we should not forget the efforts of people like Ace and TJ and their volunteers, because in times like these we need to recognize them to remind us of what it is to love thy neighbor. I am proud of the compassion and generosity of the people I represent in the Charlotte area. I am also very proud and grateful to Ace and TJ and their radio team for pulling the community together and giving to those in need. And as we continue to help those in need, let us not forget the people who are really helping our fellow citizens. It is not the governments, it is the good people across our country like Ace and TJ.

ANNIVERSARY OF AWB

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. MCCARTHY. Mr. Speaker, one year ago today, Congress allowed the Federal ban on assault weapons to expire without a floor vote.

The ban was allowed to die despite the support of two-thirds of the American people and the support of nearly every police organization in the country.

And although he did nothing to help, President Bush even said he supported the ban.

But Congress refused to listen to common sense and allowed weapons such as AK-47s and TEC-9s to be available throughout the United States.

Since then, the NRA and its allies in Congress have pursued a radical agenda to weaken our gun laws.

In July, the other body passed legislation giving the gun industry unprecedented protections from negligence lawsuits.

This legislation will see that negligence goes unpunished. It will also give the industry no incentive to pursue safety innovations for their products.

Had these protections been in place for the auto industry 40 years ago, cars wouldn't have seat belts, air bags, antilock brakes.

The NRA says this law will prevent frivolous lawsuits against the gun industry, but it is a problem that doesn't exist.

Over the past 10 years, over 10 million lawsuits have been filed in the U.S. Only 57 have involved the gun industry. And only 12 of those have been ruled frivolous by judges.

The current system works, frivolous lawsuits against the gun industry are not coming to trial.

Also, the NRA has begun a lobbying campaign to convince state legislatures to overturn workplace gun bans.

Whether it is at a daycare center, school, church, or hazardous materials plant, the NRA wants employees to come to work armed. Again, it defies common sense.

Guns are already the third greatest hazard in the workforce and 17 Americans die on the job because of guns each week.

Instead of dismissing irresponsible business practices and allowing guns in daycare centers, Congress should focus on legislation that keeps guns out of the hands of criminals and terrorists.

I have introduced legislation to improve the National Instant Background Check System or NICS. NICS is the database used to make sure potential gun buyers are legally permitted to own firearms.

But the system is only as good as the information States provide. Twenty-five States have entered less than sixty percent of their felony convictions into the NICS database.

In 13 States, domestic violence restraining orders are not entered into NICS.

My bill would require States and Federal agencies to provide the FBI with all relevant records necessary to conduct effective background checks.

The bill establishes a nationwide grant program to allow State law enforcement agencies

to update and transmit records for inclusion in NICS.

Another step towards reducing the threat of gun violence is to include individuals on Federal terrorist watch lists in the NICS system.

Earlier this year, the United States Government Accounting Office issued a report revealing 44 instances of persons listed on Federal terrorist watch lists attempting to purchase firearms during a 4-month period in 2004.

Thirty-five of these transactions resulted in the successful purchase of a firearm.

Our current laws allow our enemies in the War on Terror to arm themselves within our borders.

I have introduced legislation to place persons on the Transportation Security Administration's No Fly List into the NICS system.

If we do not trust an individual to board a plane, common sense dictates that we should not allow them to buy guns.

Both sides of the gun issue have a vested interest in reducing gun violence.

In 2002 alone, guns killed 30,000 Americans. Studies show gun violence costs our health care system more than \$100 billion per year.

Mr. Speaker, we can work together to achieve common sense solutions to gun violence without infringing on anybody's 2nd Amendment Rights.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9943–S9996

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1689–1696, and S. Res. 236. **Pages S9984–85**

Measures Passed:

Livestock Mandatory Reporting Act: Committee on Agriculture, Nutrition and Forestry was discharged from further consideration of S. 1613, to amend the Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting, and the bill was then passed.

Page S9995

Measures Rejected:

Clean Air Act Resolution: By 47 yeas to 51 nays (Vote No. 225), Senate rejected 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. **Pages S9955–61**

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:

Pages S9947–55, S9962–80

Adopted:

Shelby (for Voinovich) Modified Amendment No. 1650, to make funds available to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004. **Page S9962**

Shelby (for Ensign) Amendment No. 1653, to increase funding for child abuse training programs for judicial personnel and practitioners. **Page S9962**

Shelby (for Kennedy/Sessions) Amendment No. 1704, to extend the term of the National Prison Rape Elimination Commission. **Page S9962**

Pending:

Lincoln Amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina. **Pages S9948, S9974–76**

Dayton Amendment No. 1654, to increase funding for Justice Assistance Grants. **Page S9948**

Sarbanes Amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing. **Pages S9948, S9976–77**

Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. **Pages S9948, S9949, S9965–71**

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 S9948**

Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. **Pages S9948, S9977–80**

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. **Page S9948**

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. **Page S9948**

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. **Page S9948**

Dorgan Amendment No. 1670, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. **Pages S9948–49**

Pryor/Mikulski Amendment No. 1703, to require the FTC to conduct an immediate investigation into gasoline price-gouging. **Pages S9953–55**

Stabenow Modified Amendment No. 1687, to provide funding for interoperable communications equipment grants. **Pages S9962–65**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, September 14, 2005; the time be equally divided between Senators Shelby and Mikulski until 11 a.m., and the Senate then vote on the motion to waive the Congressional Budget Act of 1974, relative to Stabenow Amendment No. 1687, as modified. **Page S9995**

During consideration of this measure today, Senate also took the following action:

By 41 yeas to 56 nays (Vote No. 226), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 402(b)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Biden Amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina. Subsequently, a point of order that the emergency designation provision would violate section 402 (b)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus falls. **Page S9971**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocol Amending Extradition Convention with Israel (Treaty Doc. No. 109–3).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S9995**

Nominations Received: Senate received the following Nominations:

Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration.

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

Carmen Maria Martinez, of Florida, to be Ambassador to the Republic of Zambia.

Gregory F. Van Tatenhove, of Kentucky, to be United States District Judge for the Eastern District of Kentucky. **Page S9996**

Messages From the House: **Pages S9983–84**

Measures Placed on Calendar: **Page S9984**

Executive Communications: **Page S9984**

Additional Cosponsors: **Pages S9985–86**

Statements on Introduced Bills/Resolutions:

Pages S9986–90

Additional Statements:

Pages S9981–83

Amendments Submitted:

Pages S9990–94

Notices of Hearings/Meetings:

Pages S9994–95

Authority for Committees to Meet:

Page S9995

Record Votes: Two record votes were taken today. (Total—226) **Pages S9961, S9971**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:14 p.m., until 9:30 a.m., on Wednesday, September 14, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S9995–96.)

Committee Meetings

(Committees not listed did not meet)

CHARITIES

Committee on Finance: Subcommittee on Social Security and Family Policy held a hearing to examine how the nonprofit sector meets the needs of American communities relating to charities on the front-line, receiving testimony from Luke L. Hingson, Borthers's Brother Foundation, Pittsburgh, Pennsylvania; Major George Hood, The Salvation Army, Alexandria, Virginia; Robert E. Reccord, North American Mission Board of the Southern Baptist Convention, Alpharetta, Georgia; and William G. Gale, Brookings Institution, and C. Eugene Steuerle, Urban Institute, both of Washington, D.C.

Hearings recessed subject to the call.

NOMINATIONS:

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing 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, who were introduced by Delegate Norton, Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority, who was introduced by Representative Sensenbrenner, and Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on the Judiciary: Committee continued hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, where the nominee, testified and answered questions in his own behalf.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 3727–3759; and 2 resolutions H. Con. Res. 240–241, were introduced. **Pages H7859–61**

Additional Cosponsors: **Page H7861**

Reports Filed: Reports were filed today as follows: Supplemental report on H.R. 3132, to make improvements to the national sex offender registration program (H. Rept. 109–218, Pt. 2); and

H. Res. 436, providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes (H. Rept. 109–219). **Page H7832**

Chaplain: The prayer was offered today by Rev. Thomas Peoples, Pastor, First Baptist Church, Wisner, Louisiana. **Page H7822**

Recess: The House recessed at 12:38 p.m. and reconvened at 2 p.m. **Page H7821**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Sportfishing and Recreational Boating Safety Amendments Act of 2005: H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, by a $\frac{2}{3}$ yeas-and-nay vote of 401 yeas to 1 nay, Roll No. 466;

Pages H7823–25, H7833–34

Honoring and memorializing the passengers and crew of United Airlines Flight 93: S. Con. Res. 26, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93, by a $\frac{2}{3}$ yeas-and-nay vote of 403 yeas with none voting “nay”, Roll No. 465; **Pages H7825–27, H7832**

Dandini Research Park Conveyance Act: S. 252, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada;—clearing the measure for the President; **Pages H7827–28**

Caribbean National Forest Act of 2005: H.R. 539, amended, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; **Pages H7828–29**

Wind Cave National Park Boundary Revision Act of 2005: S. 276, to revise the boundary of the Wind Cave National Park in the State of South Dakota, by a $\frac{2}{3}$ yeas-and-nay vote of 295 yeas to 106

nays, Roll No. 467;—clearing the measure for the President; and **Pages H7829–30, H7834**

Hawaii Water Resources Act of 2005: S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii;—clearing the measure for the President. **Pages H7830–32**

Recess: The House recessed at 2:57 p.m. and reconvened at 6:30 p.m. **Page H7832**

Message From the Clerk: Read a letter from the Clerk notifying the House that he received messages from the Senate. **Pages H7834–35**

Quorum Calls—Votes: Three yeas-and-nay votes developed during the proceedings of today and appear on pages H7832–33, H7833–34 and H7834. There were no quorum calls.

Adjournment: The house met at 12:30 p.m. and adjourned at 10:51 p.m.

Committee Meetings

BROWNFIELDS PROGRAMS

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled “Brownfields and the Fifty States: Are State Incentive Programs Capable of Solving America’s Brownfields Problem?” Testimony was heard from Kathleen McGinty, Secretary, Department of Environmental Protection, State of Pennsylvania; John Magill, Director, Office of Urban Development, Department of Development, State of Ohio; Douglas P. Scott, Director, Environmental Protection Agency, State of Illinois; Andrew Hogarth, Chief, Remediation and Redevelopment Division, Department of Environmental Quality, State of Michigan; and public witnesses.

TERRORISM/VISA VULNERABILITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats, and International Relations held a hearing entitled “Combating Terrorism: Visas Still Vulnerable.” Testimony was heard from Jess T. Ford, Director, International Affairs and Trade Division, GAO; the following officials of the Department of State: Ambassador John E. Lange, Deputy Inspector General; and Tony Edson, Acting Deputy Assistant Secretary, Visa Services, Bureau of Consular Affairs; Elaine Dezenski, Acting Deputy Assistant Secretary, Policy Border

and Transportation Security, Department of Homeland Security; Susan Ginsberg, former Senior Counsel, National Commission on Terrorist Attacks Upon the United States; and public witnesses.

PROTECTING STREET CHILDREN

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing entitled "Protecting Street Children: Vigilantes or the Rule of Law?" Testimony was heard from the following officials of the Department of State: David Denehy, Director, Strategic Planning and External Affairs, Bureau of Democracy, Human Rights and Labor; and Lloyd Feinberg, Manager, Displaced Children and Orphans Fund, U.S. Agency for International Development; Lord David Alton, House of Lords, United Kingdom and Great Britain and Northern Ireland; and public witnesses.

CHILDREN'S SAFETY ACT

Committee on Rules: Granted, by voice vote, a modified open rule providing 1 hour of general debate on H.R. 3132, Children's Safety Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the bill shall be considered for amendment under the five-minute rule and that it shall be read by title. The rule makes in order only those amendments to the bill that are pre-printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representative Scott of Virginia.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 14, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, 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, 10 a.m., SD-562.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine issues relating to recovering from Hurricane Katrina, 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.

Select Committee on Intelligence: to receive a closed briefing regarding certain intelligence matters, 10:30 a.m., SH-219.

House

Committee on Appropriations, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, hearing on FBI Transformation Efforts, 10:30 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Quadrennial Defense Review: Goals and Principles, 10 a.m., 2118 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Hurricane Katrina: The Financial Institutions' Response," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled "Meeting America's Natural Gas Demand: Are We in a Crisis?" 2 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following measures: H. Res. 375, Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; H. Res. 408, Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and the Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; and H. Res. 419, Directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame, 10:30 a.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, hearing on U.S. Foreign Aid Programs to Europe, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H. Res. 420, Directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identify and employment of Ms. Valerie

Plame; a measure to extend the statute of limitations pursuant to state of emergency; a measure to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; and a measure to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 889, Coast Guard and Maritime Transportation Act of 2005, 7 p.m., H-313 Capitol.

Committee on Veterans' Affairs, oversight hearing regarding the Department of Veterans Affairs information tech-

nology infrastructure reorganization, and proposed legislation to enhance the role of the Chief Information Officer, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on the Effects of Unauthorized Disclosures of Classified Information, 10 a.m., H-405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the impact of Romania's newly implemented ban on inter-country adoptions, 10 a.m., 2237 RHOB.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 14

Senate Chamber

Program for Wednesday: 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, and after 30 minutes of debate, vote on a motion to waive the Congressional Budget Act of 1974 relative to Stabenow Amendment No. 1687, as modified, at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 14

House Chamber

Program for Wednesday: Consideration of Suspensions: (1) H.R. 3408, to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act. (2) H.R. 3421, to reauthorize the United States Grain Standards Act. (3) H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society. Begin consideration of H.R. 3132, Children's Safety Act of 2005 (under a modified open rule). Possibly begin consideration of H.R. 889, Coast Guard and Maritime Transportation Act of 2005 (subject to a rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E1833
Bishop, Timothy H., N.Y., E1834
Brady, Robert A., Pa., E1830, E1830
Burgess, Michael C., Tex., E1821
Cantor, Eric, Va., E1828
Capps, Lois, Calif., E1819
Cuellar, Henry, Tex., E1830, E1831
Doolittle, John T., Calif., E1822
Duncan, John J., Jr., Tenn., E1827
Emerson, Jo Ann, Mo., E1828
Filner, Bob, Calif., E1833

Frank, Barney, Mass., E1822
Higgins, Brian, N.Y., E1822
Johnson, Eddie Bernice, Tex., E1821
Kucinich, Dennis J., Ohio, E1825, E1825, E1826, E1826,
E1827, E1828, E1828, E1829, E1829, E1829
Lantos, Tom, Calif., E1824
Lee, Barbara, Calif., E1820
McCarthy, Carolyn, N.Y., E1835
McKeon, Howard P. "Buck", Calif., E1824
McKinney, Cynthia A., Ga., E1824
Maloney, Carolyn B., N.Y., E1819
Meehan, Martin T., Mass., E1820
Miller, George, Calif., E1830

Moore, Dennis, Kans., E1834
Myrick, Sue Wilkins, N.C., E1835
Ryan, Tim, Ohio, E1823
Salazar, John T., Colo., E1832
Simpson, Michael K., Idaho, E1820
Skelton, Ike, Mo., E1829
Smith, Adam, Wash., E1827
Tanner, John S., Tenn., E1835
Tierney, John F., Mass., E1834
Udall, Mark, Colo., E1826
Udall, Tom, N.M., E1834
Van Hollen, Chris, Md., E1823, E1832
Westmoreland, Lynn A., Mac, Ga., E1825, E1825



Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202-512-1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$252.00 for six months, \$503.00 per year, or purchased as follows: less than 200 pages, \$10.50; between 200 and 400 pages, \$21.00; greater than 400 pages, \$31.50, payable in advance; microfiche edition, \$146.00 per year, or purchased for \$3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to 866-512-1800 (toll free), 202-512-1800 (D.C. area), or fax to 202-512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.