the local schools are already very strapped for funds and they cannot afford this expense.

Likewise, the cities are not able to afford the overtime expenses of all the police who are being required and the firemen who are doing the emergency medical services. So I am working on legislation right now that would try to get money into these entities that do not have the cash flow to accept all of these people on an emergency basis, and to do it on an expedited basis here in Congress.

There are, at this time, between 30,000 and 40,000 new students coming into the Texas school systems. This is a huge increase in a very short time. Trying to match the students with the kind of curriculum that has been ongoing in the Texas schools is a challenge. Texas is trying to meet that challenge in the best way for all concerned.

I am hoping Congress will act very quickly to alleviate some of these early problems in getting the funding where it needs to be. For instance, there is no FEMA money for education expenses. So the bill I hope we could pass this week will allow FEMA, through the Department of Education, to immediately start reimbursing the schools for the costs of opening these new schools and the temporary facilities that are being required, including the schoolbooks and school supplies that are being required to help these new students, who are already entering 2 weeks late because Texas schools start the last week of August, sometimes the third week in August.

We need to bring these children in and get them going in an expedited way. I am asking my colleagues to help me pass, on a quick basis, an ability for FEMA to fund education expenses and to waive some laws that will allow them to be placed where they can best be placed without regard to the McKinney Act, just for a temporary time.

This legislation will sunset at the end of this school year, so it will not be permanent. I hope we can pass it on an expedited basis to try to meet the needs of these students and my State, which has been so generous and has offered so much help to these people, which we want to continue to do and we will continue to do. But I want the Federal Government to make it easier on these governmental agencies regarding the expenses incurred by the communities that are doing so much.

We want this to be the model for response to future emergencies, not one where other States look at what has happened in our State and say: Well, if the Federal Government is not going to step up on education expenses and medical care, then it will be difficult to take in future emergency victims. So that is what we are trying to do.

Our hearts go out to all of the people who are affected by this disaster. We are going to do our part. I am hoping Congress will act soon to help us do the right thing.

The PRESIDING OFFICER. The Senator has now used 7 minutes.

Mrs. HUTCHISON. Mr. President, I yield the floor to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank my colleague from Texas for the time.

I join all of us in expressing our condolences and our concerns for what has happened in the New Orleans area. Certainly Senator VITTER's discussions yesterday helped us understand a little better what the situation is there, what the difficulties are, and what our responsibilities are to do something about that as quickly as we possibly can.

We certainly first want to again offer our condolences to the families of those who perished. I support those who continue to live in the hurricane-affected areas.

What we have seen is, obviously, one of the most terrible natural disasters in our Nation's history. We have also seen, fortunately, the generous spirit of our Nation thrive in a time of confusion and loss. The giving nature of the American people has been displayed and continues to be displayed. We should be very proud of that.

I am especially impressed with the people of Wyoming who have opened their hearts and their homes to help the hurricane victims. You never know when someone is going to be in the path of a similar storm.

The objective now, of course, is to get the victims back on their feet, and to provide for their basic needs, to bring some semblance of normalcy to the situation there. This is going to be an ongoing effort. It is going to be ongoing, but it also demands immediate attention. Progress is being made hour by hour, day by day. I think it is a testament to the courage of the people throughout the Gulf Coast. It will take years to rebuild New Orleans and the other areas, but I am confident there will be a thriving economy again in that area.

Over the next few weeks, our Nation will show, once again, why we are the envy of the world. We will prove that no matter what the obstacles are that are before us, we can join together to overcome them, even if it is Mother Nature. The stories of heroism and fortitude will continue to trickle down, but soon, like the water that has destroyed so much, that trickle was evolve into a wave—a wave of construction, a wave of rebirth.

As we showed on that bright September morning 4 years ago, this Nation will rise out of the ashes and rebuild the Gulf Coast. I join my Wyomingites to say we are sorry for what happened, but we look forward to working with you to restore what you have lost.

I am particularly proud of Wyoming's military. We have deployed 72 people in support of Hurricane Katrina relief efforts. We have sent four helicopters with 19 people, two C–130s delivering equipment. We have sent AirVac nurses and 13 security police from the naval air station. So we are very pleased to be able to help. We need to provide the help.

There are lots of things being talked about. We can talk about tax relief, particularly as it provides relief for those things being given there. TANF, of course, has something to do with education and health care. We can do something about insurance, private insurance, to make that more efficient. Charitable giving is one of the things we can look at to ensure that is as useful as can be. School funding, which has already been mentioned here, is very important, whether it be there or wherever the children are. Medicaid is one area we need to take a strong look at to make sure it is available to everyone who needs it. Certainly, we need to take a look at emergency funding.

There are many items with which we are challenged. They are going to be difficult, but they are there. We can accomplish what we need to do, and that is to help these people in this circumstance. As we do it, however, I hope we remember that, as in the case of our family, when we have emergency needs, we have to look at some other areas to cut back a little bit. As this emergency continues to go on, our life needs to go on. Government needs to go on with its essential services. At the same time, there are some things we are doing in the Government that could be set aside and could, indeed, be changed so that we can offset some of the costs that go into this effort. That will be necessary.

I send our condolences and accept and join with my associates to take on the challenge of dealing with the needs of the people in the Gulf Coast.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under morning business, morning business is now 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.

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.

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.

Pryor/Mikulski amendment No. 1703, to require the FTC to conduct an immediate investigation into gasoline price-gouging.

Stabenow modified amendment No. 1687, to provide funding for interoperable communications equipment grants.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. shall be equally divided between the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Ms. MIKULSKI, or their designees.

Who yields time?

Ms. MIKULSKI. Mr. President, I yield time to the Senator from Michigan to speak on her amendment. I believe her amendment on interoperability is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I yield her such time as she may require.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I thank my esteemed colleagues for their leadership on this legislation.

We will have an opportunity in a few moments to make sure that we are solving the problem that everyone says is the biggest in terms of system failure related to the hurricane in the Gulf. We heard the same thing after 9/11. The radios didn't work. The communications didn't work. Police and firefighters were running into buildings that they should have been running out of, but they didn't know what was happening above them. We knew that after 9/11. The 9/11 Commission reiterated that. We have talked about it. It is now time to do something about it.

I join with my colleagues on both sides of the aisle in reaching out to those who have been hurt, who have suffered, who lost everything, the families of those who have lost their lives. As the majority leader said, coming back from the Gulf, he was astounded at the lack of communication. We can fix this. My amendment would begin that process.

We know, from the Congressional Budget Office, it will take at least $15 billion to connect local, State and Federal officials so that we have the redundancy, the backup, the connectedness to make sure we are responding quickly, effectively, that we know what is going on, on the ground, and everybody can get the job done to save lives, save property, and protect the American people.

My amendment would allocate that first piece. I offered it on the Homeland Security bill this year. It was not supported. Now is the time to support it and get it done. It offers $5 billion with the expectation we would come back and do the second payment next year and the third payment the year after. I know that my colleague who worked on the Homeland Security bill and led that effort is going to say: We already have moneys for that kind of thing, and the locals don't spend it in the right way. According to the Web site of the Department of Homeland Security, the Federal Government has spent only $280 million directly on connectedness, interoperability, and communications.

We could say to folks: Your COPS funding is getting cut, your training programs are getting cut, everything else is getting cut so you have fewer people on the ground. We want you to put the money into only communications.

That is not reality. In Michigan, we have 1,200 fewer police officers on the streets today than we did on 9/11/2001. That is not acceptable. My local police and firefighters are trying to hold on and keep the staff, keep the equipment they need. It is unrealistic and irresponsible on our part to say somehow each local police department and fire department, each county and city are going to pay for this interoperability that needs to happen so they can talk to the State and to Homeland Security, talk to the Justice Department and FEMA, with whomever they need to talk.

Our country was attacked. After 9/11, the Federal Government has the responsibility to protect our citizens and respond. After this hurricane, again, we know that it is a broader, regional, national response that is needed. People are looking to the Federal Government for help, and part of that help long term has got to be investing in protecting our citizens by making sure the communications systems work. I can't imagine we would send our brave men and women into battle overseas and not make sure the radios work and are connected. Why would we send our people here at home, our brave troops, our firefighters, our police officers, emergency responders, nurses, doctors, into harm's way in the middle of a disaster and not make sure the communications work?

We are in an age of technology. There is no excuse. I understand there are a number of new technologies that involve Web-based systems and new kinds of interoperability that we can bring to bear to get this done. When I think about what we need to be doing in the aftermath—first, helping those who have lost so much; second, making sure the Federal bureaucracy doesn't victimize folks again and supporting States that are reaching out—it is our responsibility to make sure that the systems that failed do not fail again. Time is up. No more talk about moving one line item to another line item or this or that. I know we will hear that they have already received money that hasn't been spent. If it has not gotten through the Federal bureaucracy, what the heck is going on? Let's get it moving.

I know my folks on the frontlines are happy to accept funds and happy to do what they need to do to get this radio equipment working so they protect themselves and their communities. If the bureaucracy is not working fast enough, let's make it work. If the resources aren't there to make sure our people are protected, let's make sure the resources are there. That is our job. The American people are looking at us and saying: This is America. What is going on? Why didn't we collectively have the foresight to make sure that systems worked, that we have a national system? As Senator BLANCHE LINCOLN talked about yesterday, when the Red Cross was putting in all of this data on victims to help, then FEMA comes in and has to do it again because it is not interoperable. Local communities cannot do this alone. States cannot do it alone. I hope my colleagues will step up and send a signal that we get it. We are going to fix it and do our part to make sure our citizens are safe.

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise to respond on this amendment. I want to make a couple of points, initially. First, this amendment is not Katrina related. That is important. It is an attempt to bootstrap an idea that has been offered on the floor a number of times using the disaster, the catastrophe which occurred in the Gulf with Hurricane Katrina. It is not Katrina related. The breakdown in communications in the Katrina event was not an interoperability event. The breakdown was because the capital structure which supported the systems collapsed. Both the hard line and the wireless lines were not functional as a result of the infrastructure collapse. There was also a breakdown which was a function of the portable radios that were being

used having to be recharged by electronic device and there was no electricity to recharge them, rather than being battery driven.

That is the initial conclusion. It wasn't a question of the inability of one group to speak to another group, although that is obviously always an issue. It was a fact that the entire infrastructure which supported the communications systems collapsed.

More importantly, the proposal to add $5 billion to create a new grants program is not Gulf States-focused. It is for the Nation. That is a position that the Senator from Michigan has always taken. This should be a nationwide effort. She talks about her own State needing more funds in the area of interoperability. I assume she is presuming that a large amount of the dollars put into this fund would go to her own State and other States that had no impact from Katrina. This is not a Katrina event. To try to put it on top of this bill in the name of Katrina is inappropriate. That is why I intend to make a point of order against it.

Secondly, it is important to remember that the issue of interoperability is critical and that we are trying to address it, that we have, in fact, put a dramatic amount of dollars into this effort, that there is presently, in the fiscal year 2006 Homeland Security Appropriations bill, $2 billion that States and locals can choose to use specifically to address interoperability, that we have spent $890 million in fiscal year 2004 on interoperability, and that we understand that this is one of the key elements of getting our first responders to function effectively. We understand that. The Homeland Security agency understands that. But what we also understand is that there are big issues involved in accomplishing this that don't involve throwing money at the issue, the most significant of which is to reach an agreement on the regime by which these agencies are going to talk to each other. They haven't been able to do that.

It is called P–25, which is the regime they have been trying to work up and has been going on now for over 10 years. It is an extremely complex problem because you have a fire department in a town which will buy one system, a police department which will buy another system, the people who drive the ambulances will buy another system. Then you have layered on top of that the State police, the highway patrol, the sheriff's department. All these systems have already been bought and already in place, and they are not going to replace them all. How you get them to work together has become a complex issue. It isn't so much a function of dollars. It is a function of reaching agreement on the protocol to get them to talk to each other.

To put $5 billion on top of $2 billion is a nice statement of purpose, but it is way outside of what we can afford, as far as the budget is concerned, and it is not applicable to Katrina. We are going to spend literally tens of billions of dollars to try to correct the Katrina problems. I suspect in that spending there will be money to rebuild the infrastructure which collapsed relative to communications. To put this money on top of it in the name of Katrina, which will be spent across the country, is inappropriate.

Therefore, Mr. President, I have to make a point of order against this because it is clearly over the budget. It is outside the budget and is not Katrina related. We are already addressing it within the process which we presently have in place, which is the bill for Homeland Security, which passed this body with $2 billion that can be used for interoperability. Therefore, I make a motion that the pending amendment increases spending and the additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. I, therefore, raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment. I ask for the yeas and nays on something that is absolutely Katrina related—communications.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1687, as modified.

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) is necessarily absent.

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

The yeas and nays resulted—yeas 40, nays 58, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—40

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

NAYS—58

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

NOT VOTING—2

Corzine	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mrs. BOXER. 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. SHELBY. 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. SHELBY. On the previous vote, I move to reconsider.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. DORGAN. Mr. President, is it in order at this point for me to engage in a short discussion of an amendment that I have pending?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1670

Mr. DORGAN. Mr. President, let me take the 5 minutes now. I know people are trying to put together unanimous consent requests. I indicated I would take just a few minutes to describe the amendment I have offered, which I hope will be voted on at 12:30. They are discussing a consent agreement by which they might vote on the amendment I have offered and I believe the amendment that Senator CLINTON has offered. Even though the unanimous consent agreement has not been entered yet, let me at least describe the amendment I have offered.

The amendment I have offered is an amendment that I offered to the armed services bill, the Defense authorization bill that came to the floor of the Senate and was on the floor for some while. This amendment is pending on the Defense authorization bill, but the Defense authorization bill has been taken off the floor and it appears it

will not come back to the Senate, and therefore I will not get a vote on this amendment. So I offer the amendment to the appropriations bill, understanding this is not the optimum place to do this. I will have to suspend the rules to accomplish it. But let me describe what it is.

We are spending billions and billions of dollars on reconstruction in Iraq. I will read some headlines.

Let me say at the start, the minute anyone comes to this floor and mentions the word ''Halliburton,'' they think it is partisan, political, going after the Vice President of the United States. It is not. It is true he was the CEO of Halliburton, but that was long before he reentered public service as Vice President, and none of this has happened under his watch. This has nothing to do with the Vice President.

What it does have something to do with is large, no-bid contracts given to a very large company, large no-bid contracts with virtually no oversight and a substantial waste of the taxpayers' money. Let me read some headlines.

Houston Chronicle, February 3, 2004:

Uncle Sam Looks Into Meal Bills; Halliburton Refunds $27 Million as a Result.

Houston Chronicle, February 4, 2004:

Halliburton Faces Criminal Investigation: Pentagon Proving Alleged Overcharges for Iraq Fuel.

Los Angeles Times, February 13, 2004:

Ex-Halliburton Workers Allege Rampant Waste: They Say the Firm Makes No Effort to Control Costs.

May 18, 2004, Houston Chronical:

U.S. Questions More Halliburton Meal Charges.

July 27, 2004, Houston Chronicle:

Millions in U.S. Property Lost in Iraq, Reports Say; Halliburton Claims Figures Only ''Projections.''

The Los Angeles Times, August 12, 2004:

Halliburton Is Unable to Prove $1.8 Billion in Work, Pentagon Says.

Is anybody investigating this? No. This is a company that charges for 42,000 meals served in Iraq, and it turns out they are serving 14,000 meals to soldiers. We are paying for 42,000 meals. Does anybody care? Overcharges for fuel? These are big, no-bid contracts. And oh, by the way, the courageous woman in the Pentagon, Bonnatine Greenhouse, the highest civilian in the Corps of Engineers responsible for making sure these contracts are handled the right way, is the one who objected to these contracts saying it was, in effect, a good old boys club giving contracts to their friends. Guess what. This woman, who received excellent reviews all of her career and rose to become the highest ranking civilian officials in the Corps of Engineers, has been demoted. Why? Because she had the courage to speak up and speak out.

Nobody is investigating the rampant misuse of funds and waste of funds in these no-bid contracts. There should be oversight hearings in the Congress, but there are not. There is not an oversight hearing held on these issues, so I have chaired Democratic Policy hearings, and let me tell you a couple of things we have heard.

How about brand new trucks, $85,000 trucks. Drive one down the road in Iraq and get a flat tire and what do you do with it? Abandon it. It gets torched. A brand new truck. If it has a fuel pump that is plugged, what do you do with it? Abandon it. It doesn't matter—no-bid contracts. It is all taxpayers' money. It is unbelievable what we have uncovered.

Serving food to soldiers with date stamps that have long since expired and the supervisors say it doesn't matter: Serve them anyway.

They order towels. The guy who worked for the Halliburton company as the purchaser said he was told you can't just order towels for soldiers that are just towels; you need to put a logo on the towels. So you put the company logo on the towels, and you double the price of the towels that go to soldiers, so you have the company logo on the towel. It is unbelievable waste, fraud, and abuse. It is not millions or hundreds of millions of dollars, it is billions dollars, and nobody is minding the store. Nobody cares.

Some years ago, in 1941, Harry Truman stood in this Chamber, and he said there is rampant waste, fraud, and abuse going on in military contracting, and we ought to get to the bottom of it. He was relentless. He was a Democrat here in this Chamber, and we had a Democrat in the White House. It didn't matter. I am sure that was kind of an uncomfortable thing; it didn't matter. They set up a Truman committee, a special committee that uncovered massive amounts of waste, fraud, and abuse.

In this case, we know it is happening. We have direct testimony it is happening with big, no-bid contracts—particularly with Halliburton, but there are others as well—and nobody seems to care. Nobody seems to care.

I propose that we create a type of Truman committee, of the type we have had previously, that starts taking a good look at waste, fraud, and abuse that is occurring. Whenever you give massive quantities of money on a no-bid contract and say go ahead and spend, you are going to have this waste, fraud, and abuse.

There are stories about someone saying: Let's air-condition that building in Iraq. We will buy some air-conditioners through this reconstruction funding, and then it goes from a contractor to another subcontractor to a sub, and pretty soon the job is done, you have a ceiling fan, and the American taxpayer has paid for air-conditioning. It is unbelievable, and it is going on all the time.

My proposal is very simple. When American taxpayers' money is doled out in such enormous quantities—billions of dollars—somebody ought to watch the store.

I held up a poster the other day of stacks of 100-dollar bills which were wrapped in Saran Wrap—stacked in big piles because the contracting officer, who testified at the committee which I chaired, said that is the way it was. We said to the contracting companies: Bring cash and bring a bag. We do business in cash. He said: We used to actually play football with these stacks of 100-dollar bills with Saran Wrap. You could actually throw them back and forth across the room. They were paying for the ministries, among other things, in Iraq during the Coalition Provisional Authority, which was us, by the way. They were paying one Iraqi ministry for 8,206 security guards on duty—paying 2,206 of them salaries—and there were only 602.

Does anybody care? Does anybody care about this? Will this Congress finally do what it is required to do—to require accountability for the expenditure of the taxpayers' money?

We have spent a massive amount of money dealing with contracting in Iraq for reconstruction. What we are finding is that the few people who had the courage to blow the whistle about favorite contracts—no-bid contracts—having contractors even in the room, in the meeting, when they were with talking about what the specs of the contract should be. Bunnatine Greenhouse, a young African-American woman who rose to the top, the highest civilian job in the Corps of Engineers, blew the whistle on this old boys network that was doling out that money to private contractors, she is going to pay for it with her job, we are told. Shame on them.

This Congress ought to have the courage to stand up on the side of the taxpayers and say: If we are spending taxpayers' money, the taxpayers ought to get full value for it. We ought to put an end to waste, fraud and because.

When Harry Truman got to the White House, he had a sign on his desk that said ''The Buck Stops Here.'' For accountability on this sort of thing, the buck doesn't stop anywhere. Nobody wants to look them square in the eye. It is time for Congress to look truth in the eye and understand what is happening. My amendment is the first opportunity to do that.

I regret that we didn't have a vote on it on the Defense authorization bill. That is where it should have been. I offered it on the authorization bill. The bill has been pulled from the calendar and from the floor and apparently will not come back. I will offer it today and to other appropriations bills. It is uncomfortable, I suppose, for those who do not want to vote against this, but they are going to have to keep voting against it until at some point there will be sufficient votes in this Chamber to do what is right. To do what is right is to follow the model of Harry Truman. Even when there was a Democrat in the White House, a Democrat said: We insist, we demand, accountability on behalf of the American taxpayers, and we are going to put an end to waste, fraud, and abuse of taxpayers' money.

It is very simple. This is not a complex amendment. It is the simplest of

amendments and the simplest of choices.

In this Chamber—the Chamber of the Senate—we don't do very complicated things. Every single choice that we make every day on this floor is either yes or no. There is no maybe, no later; it is when it comes time to vote yes or no.

That, it seems to me, is an enormously simple choice with respect to an amendment that is this persuasive.

I hope the Senate, when it votes midday today on this amendment, will do the right thing.

I yield the floor.

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1707

(Purpose: To express the sense of the Senate regarding funding directives contained in H.R. 2862 or its accompanying report)

Mr. McCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1707:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

AMENDMENT NO. 1670

Mr. SHELBY. Mr. President, I ask for the regular order with respect to amendment 1670.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to amendment No. 1670, and I ask for the yeas and nays.

I also ask unanimous consent that Senator DURBIN be added as a cosponsor of that amendment.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I further ask unanimous consent that the vote on the motion to suspend the rules occur at 12:30 today and that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1660

Mr. SHELBY. Mr. President, I ask for the regular order with respect to the Clinton amendment No. 1660.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, on behalf of Senator CLINTON, pursuant to the notice she properly filed, I move to suspend the rules with respect to amendment No. 1660, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the vote occur on the motion to suspend the rules on the Clinton amendment immediately following the vote in relation to the Dorgan amendment with 2 minutes equally divided prior to the vote, and further that no second degrees be in order to the amendment prior to the vote; provided, further, that all time until the vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1707

Mr. McCAIN. Mr. President, I ask unanimous consent to return to the pending amendment.

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

Mr. MCCAIN. Mr. President, I thank the clerk for reading the amendment in its entirety for the benefit of my colleagues. I thank the chairman for his agreement to accept this amendment on a voice vote, and I thank him for his assistance. I understand it has been agreed to by the Democratic side.

Mr. President, the sense-of-the-Senate amendment is simple, and it is very modest. It is an attempt to rein in wasteful spending, particularly during this time when portions of our country along the Gulf are enduring the devastating impact of Hurricane Katrina—indeed a national tragedy. As the Nation continues to manage the aftermath of Hurricane Katrina, it is imperative that Congress do what it can and what it must to help the hundreds of thousands of victims of one of the worst natural disasters in our history. I think all of us in this body have said that time after time. Congress must do all that is necessary to fund the essential relief and recovery efforts and help those in need.

The cost of the recovery and relief effort is enormous, and will continue to be, and it should go without saying that we live in times of great need and limited resources. In these times, Americans are called to sacrifice, and Congress needs to make sacrifices of its own. To the extent that it is possible, we should pay for this effort now rather than pass on even more debt to future generations.

We should also make better use of taxpayers' money by eliminating our spending on matters of questionable merit or which are nonessential in order to better assist the victims of Katrina. These are times when Members of Congress need to deny themselves a few of the comforts of political office and refrain from directing tax dollars to special projects in their States. These projects might help political campaigns, but they do not necessarily benefit the country as a whole. Regrettably, as far back as I can recall, Congress has found ways to fund thousands of unauthorized projects of questionable merit through appropriations bills. Perhaps some of these dollars would have been better spent on activities that might have limited the impact of this tragedy. We are now hearing information that a great deal of money was spent in Louisiana on projects that were less necessary perhaps—and I emphasize ''perhaps'' because a thorough investigation needs to be completed—that should have been spent on more important protection of levees and other wetlands and other more meritorious projects.

This year's Commerce, State, Justice, Science and Related Agencies appropriations bill, H.R. 2862, is relatively restrained compared to recent bills that have moved through the Senate.

I congratulate the subcommittee chairman from Alabama and the ranking member.

Still, the legislation contains several examples of the types of provisions that magically appear in too many of the appropriations bills that benefit parochial interests, with little regard to the merits, at the expense of national priorities.

I make this statement and propose this sense-of-the-Senate amendment in the hope that my colleagues appreciate that we are now adding perhaps $100 billion, or even $150 billion, additionally to the deficit, which is already projected to be the third highest in history, some 300-and-some billions of dollars.

For example, H.R. 2862 contains several earmarks that funds initiatives that some, including myself, might

consider to be of less-than-pressing importance. Among them is a $10 million earmark for the Alaska Fisheries Marketing Board, and a $1.75 million earmark for something called the Hawaii Humpback Education Program.

I have no idea what the Hawaii Humpback Education Program is. I would imagine it has a lot to do with whales.

I don't know what the Alaska Fisheries Marketing Board is, except that I know it continues to receive earmark funding in the multimillions of dollars every year, as I examine appropriations bills.

The bill also provided needed funding for grants to the Small Business Administration, and they are needed funds for grants. Unfortunately, this bill recommends that the SBA direct funding to 53 specific programs named in the committee report.

I want to talk about that for a second.

The committee report has no enforcement of law, but the appropriations committees have made it very clear to the various agencies that they do have, in their view, the enforcement of law.

So we have the worst of all worlds here; we have it in a committee report which cannot be removed by amendment, and, yet, at the same time, even though it technically doesn't have the force of law, it is made clear to the agencies that are affected that they will pay a heavy price if they do not carry out the dictates of the committee report.

It is imperative, in the wake of Hurricane Katrina, that the SBA grants be awarded on the basis of need and merit and for no other reason.

The sense-of-the-Senate amendment that I propose would allow funding for earmarks that have not been authorized, have not been requested by the President or not related to the impact of Hurricane Katrina to be redirected to recovery efforts.

In other words, the $1.75 million earmark for the Hawaii Humpback Education Program would be directed to the recovery and rescue efforts associated with Hurricane Katrina.

This would occur when the Agency or Department head determines, after consultation with the appropriate congressional committees, that such an earmark is not of national significance or is not in the public interest.

Now there will be arguments in consultation with these appropriation committees that they are of national significance or in the public interest. I argue that determination should be made on the basis of the scenario which I described earlier.

I expected this amendment to be easily adopted and not take much of the Senate's time. But after discussion with the appropriators and their staff, I thank the manager and the minority, the Democratic leader and their staff, for modifications to the amendment. I hope this sense-of-the-Senate amendment will be taken seriously.

I could propose the impossible: that no earmarks be permitted in any appropriations bill, period. But I am not proposing the impossible. Or I could propose what is suggested almost daily by the press, that Congress turn in its pork. Many are rightly calling into question the thousands of projects in the highway bill and suggesting the related project funding should more wisely be transferred to recovery efforts. The amendment isn't proposing that, either. But perhaps next time that will be the proposal I offer, particularly given the dire situation in the gulf. We cannot even agree to preclude funding for projects not found to be in the public interest.

I repeat, it is a modest proposal. I hope my colleagues overwhelmingly adopt it for the sake of the tens of thousands of Americans who have lost almost everything and are relying on their Government for necessary support as they struggle for what will be a long and difficult time. I also hope we keep in mind future generations of Americans who will be inheriting this deficit which is now going to be probably one of the largest in history.

I call upon the appropriators and the leadership to pay careful attention to the funding measures yet to be debated and to do their part to ensure that we are living up to our obligations to those who are suffering, even if it means it comes at some of our personal political expense.

In a time of national catastrophe it is the responsibility of the Congress to take quick and decisive action to help those in need. It is not appropriate to continue the practice of earmarking scarce funds in the face of such a tragedy. This should be a time of sacrifice for the sake of our suffering citizens. I repeat, it is a modest proposal.

I found a curious thing happen in the last few days. Newspapers ranging from the New York Times to the Wall Street Journal to the Washington Times all editorialized in the same fashion.

I ask unanimous consent New York Times editorial entitled ''Bring Out Your Pork,'' and Washington Times editorial called ''Pork and Hurricane Relief,'' and from the Wall Street Journal entitled ''A 'Moronic' Proposal'' be printed in the RECORD.

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

[From the New York Times, Sept. 8, 2005]

BRING OUT YOUR PORK

Fair warning to the suffering Gulf Coast masses: Congress is already talking of concocting economic stimulus'' and ''job creation'' packages as hurricane recovery tools. That sounds useful, but unfortunately those terms usually signal that the House and the Senate are about to use the crisis of the moment to roll out wasteful tax cuts for the well-off and pork barrel outlays for hometown voters.

The overwhelming need of the victims of Hurricane Katrina, coupled with the nation's shock at government ineptitude, should inspire members of Congress to sober up and become something approaching responsible policy makers. If they do decide to reform, there's an easy way to prove it. They could turn in their pork.

This summer, when Congress had to ignore only a war in Iraq, it passed the annual highway bill, repackaged as a job-creation measure. The legislation set a record of $24 billion in 6,371 ''earmark amendments''—the route individual lawmakers take to lock in prized projects for their home districts, regardless of proven need.

The bipartisan boondoggles that made it under the wire included vanity highways, tourist sidewalks, snowmobile trails, a ''deer avoidance'' plan and a graffiti elimination program for New York. Those wishing to look for still more unnecessary spending can consider the White House's $130-billion-and-counting missile defense system, which remains thoroughly inoperable.

Hurricane Katrina cries out to Congress for something other than business as usual. Imagine what would happen if each member of Congress announced that he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans. The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

Surely Representative Don Young, the Alaska Republican who is chairman of the transportation committee, might put off that $223 million ''bridge to nowhere'' in his state's outback. It's redundant now—Louisiana suddenly has several bridges to nowhere. Likewise, Speaker Dennis Hastert could defer his prized Prairie Parkway, a $200-million-plus project dismissed as a behemoth Sprawlway by hometown critics, and use the money to repair the Lake Pontchartrain Causeway.

The Democratic minority leader, Nancy Pelosi, could afford to donate back some multimillion-dollar plums—just one bike and pedestrian overpass, perhaps, or a ferry terminal. Another Democratic standout, James Oberstar of Minnesota, would have a hard time choosing from his cornucopia, but that $2.7 million for what is already described as the nation's longest paved recreational trail looks ripe.

The list is long. Such a gesture by the Capitol's patronage first responders would encourage a sense of shared sacrifice in the nation. Members might actually be surprised to see how many of their own constituents are prepared to think of other people's needs before themselves. This page has been a longtime supporter of a freight tunnel between New Jersey and New York—which, we should point out, is actually a tunnel to somewhere. But we'd applaud a delay in the $100 million for freight-tunnel design studies that was included in the highway bill if it was part of a larger reordering of priorities.

It's time to put New Orleans first.

[From the Wall Street Journal]

A ''MORONIC'' PROPOSAL

Some public-spirited folks in Bozeman, Montana, have come up with a wonderful idea to help Uncle Sam offset some of the $62 billion federal cost of Hurricane Katrina relief. The Bozeman Daily Chronicle reports that Montanans from both sides of the political aisle have petitioned the city council to give the feds back a $4 million earmark to pay for a parking garage in the just-passed $286 billion highway bill. As one of these citizens, Jane Shaw, told us: ''We figure New Orleans needs the money right now a lot more than we need extra downtown parking space.''

Which got us thinking: Why not cancel all of the special-project pork in the highway

bill and dedicate the $25 billion in savings to emergency relief on the Gulf Coast? Is it asking too much for Richmond, Indiana, to give up $3 million for its hiking trail, or Newark, New Jersey, to put a hold on its $2 million bike path?

And in the face of the worst natural disaster in U.S. history, couldn't Alaskans put a hold on the infamous $454 million earmark for the two ''bridges to nowhere'' that will serve a town of 50 people? That same half a billion dollars could rebuild thousands of homes for suffering New Orleans evacuees. One obstacle to this idea apparently will be Don Young, the House Transportation Committee Chairman who captured the funds for Alaska in the first place. A spokesman in his office told the Anchorage Daily News that the pork-for-relief swap was ''moronic.'' Sounds like someone who wants Mr. Young to become ''ranking Member'' next Congress.

In all there are more than 6,000 of these parochial projects—or about 14 for every Congressional district—funded in the highway bill. The pork reduction plan is particularly appropriate as a response to Katrina, because we have learned in recent days that one reason that money was not spent on fortifying the levees in New Orleans was that hundreds of millions of dollars were rerouted to glitzier earmarked projects throughout the state of Louisiana.

We're hearing all sorts of bad ideas about how to offset the $62 billion of spending already authorized for Hurricane Katrina relief. Cancel the Bush tax cuts, raise the gasoline tax by $1 a gallon, increase deficit spending, and sharply cut spending on national defense and the war in Iraq. In Washington, it seems, everything is expendable except for the slabs of bacon that are carved out of the federal fisc to ensure re-election.

The glory of what is happening in Bozeman is that taxpayers are proving to be wiser about priorities than their politicians. We like the suggestion by Ronald Utt of the Foundation Heritage that, when the new levee is built to protect the Big Easy from future storms, it should bear a bronze plaque stamped: ''Proudly Brought to You by the Citizens of Alaska.''

[From the Washington Times]

PORK AND HURRICANE RELIEF

''We should lead by example and give up a few of the things we want in order to give hurricane victims the things they need,'' Sens. John McCain and Tim Coburn told their colleagues. Correct, as far as it goes, but the call to arms rings hollow without specifics. Here's a start: Congress should redirect the transportation bill's $25 billion toward hurricane relief.

Congress appropriated $51.8 billion in emergency-relief money for Hurricane Katrina's victims, and suspended the normal rules and procedures so the bill would not get entangled in special interests or endless debates. That made sense; lives were at stake and the money was needed at once. But Congress can listen now to those who want to cut discretionary spending so money can be sent for reconstruction in the Gulf states. Congress could erase half that total with the transportation bill earmarks.

Before Katrina, these earmarks were hardly necessary; today, they look like an abdication of duty. As we noted last month, the most outrageous items in this $286 billion bill were $229 billion for a highway called ''Don Young's Way'' in Alaska, a favorite of the Republican chairman of the House Transportation Committee; $18.75 million for the ''Highway to Nowhere,'' linking Ketchikan, Alaska, to the island of Gravina, population 50; and $20 million for a Magnetic Levitation Transportation System linking Las Vegas and Primm, Nev. Naturally the guilty legislators defended those projects as necessary spending on vital local needs. Of course.

These projects look particularly foolish now. Katrina has blown the roof off business as usual in Washington, and rightly so.

Several congressmen appear to get it. Rep. Jeb Hensarling, Texas Republican, offered an amendment to the hurricane-relief bill that would have required the House to offset the new Katrina spending with reductions in other spending. Mr. Hensarling, a fiscal conservative, isn't above pragmatism: He would exempt entitlements, homeland-security and defense spending and veteran's affairs from the cuts. But the House didn't consider his amendment because it wanted spending passage of the relief legislation.

Now that the emergency bill has been enacted, Congress should reconsider ideas like the Hensarling amendment. And if Mr. McCain and Mr. Coburn are serious about leading by example, they will step up to lead by example. Congress can show seriousness by scrapping Mr. Young's ''Highway to Nowhere'' and send the money to the right somewhere—to rebuild New Orleans and the Mississippi coast.

Mr. McCAIN. Mr. President, this is interesting. I don't think in all my years I have seen all three of these different periodicals coming from somewhat different philosophical bases all editorializing in the same fashion. The Wall Street Journal says:

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It goes on:

We're hearing all sorts of bad ideas about how to offset the $62 billion of spending already authorized for Hurricane Katrina relief. Cancel the Bush tax cuts, raise the gasoline tax by $1 a gallon, increase deficit spending, and sharply cut spending on national defense in the war on Iraq. In Washington, it seems, everything is expendable except for the slabs of bacon that are carved out of the federal fist to ensure re-election.

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Imagine what would happen if each member of Congress announced he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans? The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

It's time to put New Orleans first.

As I said, this is a very modest proposal. I hope we can, as we go through our appropriations bills—and there are numerous bills coming up, including an additional relief package for New Orleans—that we will be able to exercise fiscal restraint. If we would leave the earmarks out of the report language and out of the bills, then this sense-of-the-Senate amendment would be irrelevant.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1707) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, as I understand it, in about 5 minutes we will be voting on two amendments. One is to establish a Truman-like commission to see if there has been profiteering in the contracts in relation to the Iraq war.

AMENDMENT NO. 1660

Madam President, there is also another amendment offered by the Senator from New York, Mrs. CLINTON, on a Katrina commission recommendation. I am a cosponsor of that amendment. Prior to the vote, I would now like to make a few remarks in support of the establishment of a Katrina commission.

This weekend I reflected—as I am sure the Presiding Officer did when you

were with your family and maybe made it back to Alaska with constituents—that two tragedies have hit our country. One is 9/11, which we can never, ever forget. How grateful we are to the 9/11 Commission for their rigorous investigation as to what happened: what went wrong, what went right; what went wrong—the failure of communications and technology and intelligence; what went right—the bravery of people, the spirit of America.

Then, also, the 9/11 Commission made concrete recommendations. In fact, they are meeting this week to issue a report card on how well we have done to implement their recommendations. Three cheers for the 9/11 Commission on what they have done and what they continue to do.

All of America has been mesmerized by what has happened in the Gulf—in New Orleans, in Louisiana, in Alabama, and, of course, in Mississippi.

Senator CLINTON's idea—she will be here shortly to express it, and I concur—is that we also have a commission now to look at the response to the Katrina situation. We appreciate the fact that the President has taken responsibility, and he himself wants to know what went right and what went wrong. We think that is a very good move on the President's part. We support him.

Second, we know there will be good efforts by our own colleagues, particularly in the Homeland Security and Governmental Affairs Committee, which is very ably chaired by our colleague from Maine, Senator COLLINS, and of which Senator LIEBERMAN is ranking member.

But it is us investigating us. It is the President looking at his own executive branch. I do not doubt the integrity of the President. I do not doubt the vigor and pursuit that the Governmental Affairs Committee will have. Golly, just look at their record on intel reform. I think we know they really do operate with intellectual rigor and integrity. But I do believe we need an outside group that will look at us and develop an opinion that will be truly independent, made up of appointees from both sides of the aisle. They would absolutely not be political, even though some might have a background in politics.

Governor Kean did a fabulous job chairing the Commission along with our former colleague, Congressman Lee Hamilton. They had a wonderful array of people on the 9/11 Commission.

So we owe it to the people of the Gulf and we owe it to the people of the United States of America to examine this situation and not to do finger-pointing. We do not need any more finger-pointing but we sure do need pinpointing as to what collapsed, what was not in place.

Some years ago, I led the reform effort of FEMA. We started with President Bush 1 and then kept going under President Bill Clinton, who gave us James Lee Witt. FEMA should be one of our premier agencies focusing on readiness, response, and recovery. What went wrong? Was it us? Did we neglect in oversight? Did we neglect funding Corps of Engineers projects? I really don't know that. And maybe we did not neglect anything, but nature had enough with our bad behavior and kicked us a little bit.

So I really want to know that, and why. One reason is so it will never happen again, just like we never want a predatory attack on the United States of America, which is why out of 9/11 came intel reform and now the followup. We do not want this result ever to happen again when a natural disaster strikes—whether it is a hurricane that hits coastal States or whether it is an earthquake, which I know the Presiding Officer's own dear beloved State is possibly subjected to and which our colleagues from California worry about, and our colleagues from Missouri worry about that fault that goes right down through Missouri.

So we have to make sure we have an independent analysis. We would then take what the President finds, take what our colleagues find, and listen to an independent commission so we can make sure we are truly ready, we are truly able to respond, and then to make sure we have the wherewithal to do recovery.

This could have been a dirty bomb in any city in the United States. Could we evacuate? Would communications be interoperable? What would happen to the poor and the sick? Are they collateral damage? Nobody in America is ever collateral damage. We have to have plans. What happens to our first responders? If there is an evacuation plan, who evacuates their families while they are protecting us? These are the kinds of questions, these are the kinds of things that need to go into the planning.

Right now, all that many of us see is that we have spent a lot of money on homeland security. But what I see is a lot of salesmen out there selling gear. In fact, sometimes I think there are more salesmen selling gear than there are first responders. We need to be effective. We need to be smart. I want my country to be safer. I want my country to be stronger. But I think we need to be smarter. This is why I think a good step forward would be an independent commission, not to finger-point but to pinpoint, so that never ever again would any community have to suffer or that they could be in a position to recover better.

Madam President, 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. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SHELBY. I call for the regular order.

AMENDMENT NO. 1670

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to suspend the rules for the consideration of amendment No. 1670. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Louisiana (Mr. VITTER) and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

Corzine	Vitter	Warner

The PRESIDING OFFICER. On this vote, the ayes are 44, the nays are 53. Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected.

The point of order is sustained. The amendment falls.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1660

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate evenly divided for a vote on another motion to suspend the rules.

The Senator from New York.

Mrs. CLINTON. Mr. President, I have offered an amendment to create an independent commission, known as the Katrina Commission, to investigate with outside experts the situation we have confronted for the last 2 weeks in the Gulf Coast. This vote is on a motion to suspend the rules to consider this amendment. I hope that we have bipartisan support to do just that. There are a number of committees that have a role in this Congress to conduct oversight, to ask questions, but just as with 9/11 we did not get to the point where we believed we understood what happened until an independent investigation was conducted.

This legislation is modeled on the 9/11 Commission. The President appoints the chairman. The Republican and Democratic leaders appoint the members. This will provide us an opportunity to do the investigation away from the work that needs to happen in this Congress and in the administration, to meet the immediate needs of the people in the Gulf Coast. I hope we will vote to support the Katrina Commission.

The PRESIDING OFFICER. Who yields time in opposition?

All time is yielded back.

The question is on agreeing to the motion to suspend the rule for consideration of amendment No. 1660.

The clerk will call the roll.

The 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) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Corzine	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given is not agreed to. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up amendment No. 1695.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. LANDRIEU, proposes an amendment numbered 1695.

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

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

The amendment is printed in the RECORD of Tuesday, September 13, 2005, under ''Text of amendments.''

Mr. KERRY. Mr. President, I offer this amendment, together with Senator LANDRIEU, to provide comprehensive relief to small businesses harmed by Hurricane Katrina. There are two reasons why it is important to do this at this time on this bill.

No. 1, the $63 billion of combined assistance in the two supplemental spending bills doesn't allocate one portion of it to small businesses specifically. So there is no small business relief—no funding for small business assistance within the structure of the SBA or for other small business assistance programs Congress has created.

No. 2, this appropriations bill is the funding source for the Small Business Administration. It is through the Small Business Administration that disaster loan assistance is available for homeowners and for business owners, and it is through the Small Business Administration that the Federal Government provides the full complement of assistance to the small businesses of our Nation. So it is appropriate for us to be doing this at this time. The SBA is indispensable to the recovery of the gulf region after Hurricane Katrina.

I was down there on Monday and could see for myself the numbers of small business people who are impacted, listening to the Governor, the Lieutenant Governor, Congressman JEFFERSON and others, all of whom described how critical this help is going to be. The States concerned—Alabama, Mississippi, and Louisiana—are still in the process of assessing the full extent of the damage. There are an estimated 800,000 small businesses in those three States, but already we have received reports that more than 100,000 in Louisiana and some 50,000 in Mississippi were damaged or destroyed completely.

We also know that in Louisiana alone, small businesses provide more than 65 percent of the jobs. Sixty-five percent is typical for most of America, which is why Senator after Senator comes to the floor and goes home to their States and talks about the importance of small business to the American economy.

What the mayor of Baton Rouge told me, what the Governors told me, and other officials I spoke with, is how critical it is to be able to get the local population back to work as fast as possible and to try to mitigate against some of the dislocation.

The only way we are going to get people back to work, the only way we get these areas thriving again, is to make small business a priority of the recovery itself.

Our amendment recognizes that it is going to take months, if not years, for a lot of businesses to get back to normal. SBA's Federal disaster loans and physical damage loans and economic injury loans are going to play a critical role in this recovery.

Our amendment also recognizes that similar to the domino effect of the 9/11 attacks—the domino effect that those attacks had on our economy in other places—we need to help not only those businesses physically located within the declared disaster area, but also an awful lot of businesses that have been indirectly harmed because of the loss of business directly to those areas or because of the increase in fuel prices.

The tourism industry, for instance, is so important to New Orleans and has suppliers around the country. Travel agents who book conferences, companies that provide food and beverages and supplies for the hotels, restaurants, and bars. Suddenly they have no orders. There are small businesses that could help rebuild the damaged and destroyed homes, businesses, and infrastructure of the gulf region. But they need legal protection to make sure they can be part of the Federal contracts paying for these projects and services.

One of the reasons for this is that too often the Federal Government, in its effort to move rapidly, which we understand, takes the easiest route or path of least resistance and gives big contracts to the Halliburtons of the world, leaving a lot of the local economy and small businesses still gasping, looking for their way into that pipeline.

Then, of course, there is the underestimated but, frankly, always essential counselor component. A lot of small businesses need help figuring out how to restructure, how to process all of this, how to make up for the loss of business. Many of them have viable businesses. With a small amount of assistance they can keep that viability and minimize the negative impact to our economy and to their business.

In order to put this package together in a way that addressed the real needs

of the communities, I have worked closely with Senator LANDRIEU who, along with her staff, has worked tirelessly in recent days to determine what the businesses in her State need to get Louisiana small business on the road to recovery. I think we ought to be encouraged—frankly, all of us in the Senate ought to be encouraged—at how much we can do under the auspices of the Small Business Administration, recognizing that a lot of these businesses have no way of fully operating now or any time soon. We try to take steps to defer for 2 years the interest and the principal payment for those businesses located directly in the disaster area, those that have been adversely impacted. For small businesses directly impacted, we permit them to use disaster loans, which have interest rates capped at 4 percent. I remind my colleagues that these are loans. These aren't grants. We allow small businesses to refinance existing disaster loans and existing business debt in order to consolidate their debt and lower their interest payments.

For those small businesses directly impacted that had SBA 7(a) and 504 loans before Katrina, if they are unable to make their payments, we direct the SBA to assume the payments for up to 2 years or until the businesses can resume payments earlier on their own.

For small businesses that are directly impacted, such as suppliers to the extensive tourism industry in the gulf coast, we make available SBA 7(a) loans at reduced rates, with protections to make sure that those who need the loans are the ones getting them.

For small businesses that need counseling, we increase funding to SBA's counseling partners to serve businesses, whether they are in Louisiana, Mississippi, or Alabama, or whether they are still displaced in other States such as Texas or Arizona.

We put in place contracting protections to encourage the Federal Government to help rebuild the economy by using local businesses or small businesses.

We authorize $400 million in grants to the States in the declared disaster areas in order to make immediate bridge loans or grants to those small businesses directly harmed by Hurricane Katrina that need access to money immediately and can't wait for the disbursement of Federal loans or other assistance. This has worked in the past, and it can work now.

As we all know, Hurricane Katrina knocked out roughly 10 percent of U.S. oil refining and natural gas pipeline capacity. That has caused prices for gasoline and natural gas to go through the roof all over the country. Experts estimate the impact is going to hit us in the winter as well when heating oil prices are going to increase as much as 70 percent. To help small businesses and farmers and manufacturers that are being crippled by these energy prices, we give them access to low-cost disaster loans.

This is a very straightforward example of how businesses outside the disaster area have been indirectly and seriously adversely impacted.

The other day, I was driving through a couple of States well north of Washington, DC—not in Massachusetts but New Jersey, New York, and elsewhere—and the gas prices are all reflecting the effects of Katrina. Small farmers in the Presiding Officer's State of South Dakota, North Dakota, Wisconsin, Iowa, and all across the country are deeply impacted by the cost of fuel for their tractors or for their trucks for deliveries all across the country. This will help the small businesses and farmers and manufacturers that are being crippled.

The high cost of energy is making American manufacturing noncompetitive. Talk to truckers who are traversing the Nation about the cost of fuel. It's a huge portion of the current price of goods consumed by the increased energy prices. The result is a lot of folks who are teetering on the edge with loans out and financed are now finding themselves in economic difficulty. So this is a way to help them, and this tries to do that.

I point out to my colleagues that previously the energy relief portion of this amendment has passed the Senate three times. There are 37 Republican Senators currently in the Senate who have previously voted for this on several occasions. Our hope is that we can proceed forward.

In addition, to help drive down the impact of Hurricane Katrina and its toll on the economy as a whole—including added costs to health care for small business, energy for small business, and rising interest rates—we temporarily lower the interest rate set by the Federal Government itself. There is no need for us to recoup at the same rate, if it helps those businesses remain viable.

The Congressional Hispanic Caucus has been calling for this relief for Hispanic small business owners because ever since the administration raised the fees on 7(a) loans, loans to Hispanics have fallen by 14 percent. With the added problems to the economy caused by Hurricane Katrina, making capital more affordable is a way to open the doors of opportunity and to help people to be able to keep the economy moving.

In closing, I thank Senator REID, Senator MIKULSKI, and Senator LANDRIEU for their leadership and help in shaping this legislation. The coming weeks and months are critical for small businesses. Frankly, it is too easy to go to the meetings back home and stand up in front of the small business community and say: Aren't you great; you are 98 percent of the businesses of America. You are the engine of our economy.

Over 60 percent of America's employees work in small business. Almost all the new jobs in America come from small business. Small business has been hurt by the hurricane and by the indirect impact of that hurricane on other sectors of our economy. This is an opportunity for the Senate to be able to address those dire needs. I hope my colleagues will join in that effort.

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. BINGAMAN. Mr. President, I am pleased to join my colleagues from Massachusetts and Louisiana, Senators KERRY and LANDRIEU, in support of this amendment to provide assistance to businesses and farmers who are facing serious economic injury from the current run-up in fuel prices.

This amendment would establish a 4–year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. Small businesses have narrow operating margins and limited reserves to cover unexpected or significant increases in costs, and commercial loans are not available to respond to this kind of situation. Existing disaster loan programs must be expanded so that small businesses and farms will be able to tap into the capital they need to manage their way through this period of high fuel prices. Without action by the Congress, many small businesses and farms will be confronted with higher costs, reduced profits and likely layoffs.

The Senate has this opportunity to reconsider, and again pass, legislation that would provide vital relief. This amendment has enjoyed bi-partisan support for several years. I was pleased to be a cosponsor with over 30 colleagues when it was first introduced in the 107th Congress as S. 295, and when it was reintroduced in this Congress as S. 269. Most recently, in June, the Senate passed this measure as section 303 of the comprehensive energy legislation. Unfortunately, like other Senate passed provisions, it ended up on the cutting room floor during the conference with the House. Now, however, the need to assist businesses and farms that are being injured by skyrocketing fuel prices is far greater than it was in June.

Businesses in New Mexico have expressed concern about prices and urged support for this bill and I know that their experience is shared by businesses across the Nation. Last Tuesday, the Energy Committee held hearings on the fuel price crisis and heard sobering testimony about the constraints on oil supply and on the expectation for sustained high prices for other fuels as well.

I ask that letters from the Albuquerque Hispano Chamber of Commerce and from the Los Alamos Chamber of Commerce in support of this amendment be printed in the RECORD. I very much appreciate their endorsement of this Senate effort to respond

to the need of small businesses as they struggle with high fuel prices. The catastrophe along the gulf coast has made a bad situation worse, and we have a responsibility to provide assistance to those who need a way to sustain their businesses during this crisis.

I urge my colleagues to again support this amendment, as it was supported in June, so that our businesses and farms will receive the assistance they so desperately need.

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

ALBUQUERQUE HISPANO
CHAMBER OF COMMERCE,
Albuquerque, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: The Albuquerque Hispano Chamber of Commerce (AHCC) is an organization with over thirteen hundred (1,300) small businesses. These small businesses face many challenges on a daily basis to ''keep the shop open.'' Of overwhelming concern are today's spiraling fuel costs.

We are writing to express our alarm about the increasing fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4-year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crises with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

JOSEPH P. CASTILLO,
Chief Operations Officer.

LOS ALAMOS
CHAMBER OF COMMERCE,
Los Alamos, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Santa Fe, New Mexico.

DEAR SENATOR: I am writing on behalf of the Los Alamos Chamber of Commerce to express our alarm about rising fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout Northern New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4–year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

Most of our members are in the Los Alamos area, a remote location from major distribution centers so we face a particularly difficult situation with regard to rising energy costs.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crisis with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

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

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

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, we are on the Commerce-Justice appropriations bill. My understanding is there are a number of amendments left, one of which is the amendment I have offered. It is an amendment that is germane, an amendment I expect to have a vote on. I know that amendment has caused quite a lot of consternation on the floor of the Senate in recent hours, also in the Washington Post, and now in a letter from two members of the President's Cabinet, on behalf of the President, suggesting that were this amendment to come to his desk in a piece of legislation, they would recommend a veto.

This is about trade issues and about whether we are finally, as a country, going to stand up for this country's economic interests.

I only take the floor again to urge those who do not want to have a vote on this amendment to relent. We have a right to have a vote. I properly offered this amendment, and I would expect a vote before the day is out.

The vote is very simple. It is an amendment that says no funding in this appropriations bill can be used by the Commerce Department or the trade ambassador's office to negotiate a trade treaty that reduces or eliminates the protections that we have in this country to protect domestic producers against unfair trade.

I have mentioned before that some years ago I drove to the Canadian border one day with a man named Earl Jensen. Earl had a 12-year-old, 2-ton orange truck. We drove to the Canadian border with some durum wheat. We got to the Canadian border and we were stopped. They said: You can't take American durum wheat into Canada. They stopped us.

On the way to the Canadian border, we saw 18-wheelers hauling Canadian wheat into our country. We saw truck after truck after truck bringing Canadian wheat across the border into our country, and we couldn't get a little old 12-year-old orange truck into Canada with about 150 bushels of durum wheat.

What was happening was the Canadian Wheat Board—which is a sanctioned monopoly by the Government, which would be illegal in this country—was selling all that wheat into our country at secret prices, undercutting American farmers, engaging in unfair trade, taking money straight out of the pockets of American farmers with unfair trade. You could not do anything about it.

We demanded of the Canadian Wheat Board all of the information—the materials, the data—that defined their sales that they were making at secret prices. We sent the Government Accounting Office, the GAO, up to the Canadian Wheat Board. They thumbed their nose at us and said: We don't intend to give you any of that information. We don't intend to do anything that gives you information. Go fly a kite, they said.

So year after year after year that unfair trade existed, until finally an action was filed against the Canadians, and some countervailing duties were levied against that wheat coming in as unfair trade. Well, that countervailing duty represents a protection we have in our country for farmers, yes, for businesses, for industries—protection against unfair trade by other countries that attempt to destroy a business or destroy an industry in our country by sending in products that are deeply

subsidized or sold at dumped prices in order to injure this country's economy or injure an industry in this country.

We have laws against that. The laws are antidumping laws and countervailing duty laws. We have laws that would prohibit another country from targeting our country with unfair trade. We have a right to stand up for our interests and say: You can't do that. That is what these laws are about—countervailing duty laws and antidumping laws.

But now there is a new set of trade negotiations occurring in Doha, halfway around the world. They are occurring in secret, and our country is involved in them. Our country has indicated, at the demand of other countries, that we will get rid of our protections, such as countervailing duties and antidumping laws. Our country said: OK, we'll negotiate some changes in that.

Let me read what this morning's Washington Post has to say. It says:

> The Bush administration agreed to negotiations on U.S. anti-dumping and countervailing duty laws when the latest round of world trade talks was launched in 2001. Many other countries view the measures as an unfair trade barrier and want to discipline U.S. ability to use them.

In other words, other countries are saying it is unfair we have antidumping laws in this country.

It is unfair that we have laws that prohibit other countries from dumping their products in this country at far below the cost in a way that would endanger U.S. industries and businesses and workers. It is unfair, they say. So they want to negotiate an end to those few things left in our trade laws that allow us to protect our own economic interests.

The administration, involved in the Doha talks, has said they would agree to put all of these things on the table to potentially negotiate away our antidumping laws and countervailing duty laws. Rather than the $2 language of trade, another way to describe it is to talk about what it means to this country and to its workers and businesses. As you know, I have talked at great length about the number of companies that have outsourced their jobs, told their American workers: We don't need you any longer, don't want you, because your jobs are gone. They are now in China or Bangladesh or Sri Lanka or Indonesia or any number of other countries where we can hire people for pennies on the dollar and not have to worry about all the nuisances that exist in this country with respect to child labor and safe workplaces and the ability of workers to organize and form a union, and so on.

So as companies increasingly move their jobs offshore to other countries, we are engaged more and more in unfair trade practices against our country, and our trade negotiators are willing to negotiate away the last vestiges of protection we have.

From the Washington Post:

> The Bush administration urged the Senate on Tuesday to reject an amendment they said would cripple chances of reaching a new World Trade Agreement.
>
> The measure . . . is aimed at preventing U.S. trade negotiators from agreeing to change any laws that allow the United States to impose duties against unfairly priced or subsidized imports.

The trade ambassador says:

> We strongly urge the Senate to reject this unwise amendment.
>
> The provision would ''provide our trading partners an excuse to refuse to negotiate on sectors and subjects they consider sensitive'' and greatly diminish our chances of reaching an ambitious world trade deal.

I am not particularly interested in anybody reaching a deal if the deal is not fair to this country. The objective of negotiating is not to negotiate a deal, if a deal is not fair to us. It doesn't matter whether you are talking about GATT, United States-Canada, NAFTA, CAFTA, at the end of the day, our trade negotiations in the last 25 years have left this country in a weaker position and have put this country in a position where our jobs are leaving this country. I am not interested in a trade deal unless it represents this country's best interests.

It is time for this country to understand that trade agreements must be mutually beneficial. This week, to a giant yawn in the Senate Chamber, there was an announcement that we had the fifth highest trade deficit in the history of our country. It was only $58 billion for a month. Did that create a traffic jam for people to come to the Chamber to say: Maybe we ought to stare truth in the eye and deal with this issue? No. It wouldn't interrupt any naps around here. Nobody cares about trade. Nobody cares about jobs. Nobody wearing blue suits is going to lose their job because politicians don't get outsourced; it is just workers. They are the ones who come home and say: Honey, I lost my job. I worked there 20 years and did a great job, but they have told me my job is now going to India. And by the way, I am going to train the person in India that works my job because they are bringing them over to get training from me. Then I am done.

My only purpose for offering this amendment is to say that at some point this country might want to stand up for its own economic interests, for its farmers, businessmen, and workers. It has not done that. I am anxious to have a discussion about how anybody in this Chamber thinks it advances our interests to go to Doha and, in secret, negotiate an agreement that would weaken the protections we have for our producers to require competition in trade be fair. I wish to have a discussion or a debate with anybody in the Senate who thinks that is a good deal for this country. I don't know. Maybe we have become immune to the news when in a month our trade deficit is $57 billion, $59 billion, $55 billion. Our trade deficit with China alone in a month is $16, $17, $18 billion. Every single day we buy $2 billion more from abroad than we send abroad, 365 days a year.

You can make a case, if you are an economist with real tiny glasses and not much breadth of thought, that the budget deficit and our budget is what we owe to ourselves. You can make that case. You cannot make a similar case with respect to the trade deficit. That is a deficit that we owe to others outside of this country. Those are claims against American assets. It is what Warren Buffett, a businessman I hugely admire, calls creating an economy of sharecroppers.

It is fascinating to me that somehow we are told there is a doctrine of comparative advantage with respect to the Chinese, which is our largest trading partner in terms of the deficit. We have a huge deficit with China that is likely now to reach close to $200 billion in 1 year. What is the comparative advantage? Is it a natural economic advantage such as the Portuguese and English trading wool or wine? No. The advantage is, you can hire somebody for 33 cents an hour, work them 7 days a week, 12 hours a day. If they complain, you can throw them in jail. And if they try to form a labor union, you can fire them first, then throw them in prison. That is the advantage. The advantage is borne on the backs of workers.

We are not exporting enough product because we are importing $2 billion a day more than we are exporting. What we are exporting is misery, the misery of people who are working in circumstances where they don't have a voice. They are fired if they attempt to form a labor union. They work in unsafe plants. They work 7 days a week and they are paid pennies an hour. That is the export of misery.

I didn't intend to speak at great length about this. The administration has written a letter saying, through Rob Portman, trade ambassador, and Carlos Gutierrez, the Secretary of Commerce:

> We and other senior advisors will recommend to the President that he veto this legislation if the Dorgan amendment were included.

God forbid that we should include an amendment that stands up for this country's economic interests.

All of these folks have painted these wonderful mosaics with respect to trade agreements, whether it is CAFTA or any of the others. After each single trade agreement, our trade deficit has increased, and the number of American jobs lost, the number of American jobs moving overseas has increased. You would think at some point just by chance the Congress would decide, this doesn't make any sense. At some point when you see things don't work, you probably decide you might want to reevaluate them. Not this Congress. In fact, if something is not working, this Congress says: Let's do a lot more of it. It is like the old story about the guy hauling coal. He is losing money so he

starts hauling a lot more coal. That is the attitude of this Congress: It doesn't matter, $700 billion a year in deficits. Let's do some more. Let's send our guy to Doha.

It is interesting. Why do you think trade negotiations are going on in Doha? Why not London or Paris or New York? Why in Doha in secret? Because if they had these trade negotiations in London, Paris or New York, the streets would be jammed with protesters. So they go to Doha and have a negotiation that is in secret, and they come back and tell us—with fast track, so that you can't offer any amendments—here is what we negotiated behind that closed door. Like it or lump it; you can't change it.

This is now a new world order. It is going to affect our country in a lot of ways. It won't affect anybody wearing blue serge suits, just workers. If workers lose their jobs and those jobs are sent overseas, that is part of the advancement of an enlightened economy.

This is not enlightenment, not after you work for 100 years, to decide that you want to create a standard by which people can live well, work, get paid a decent wage, work in a safe workplace, have job protection, the ability to organize, and then negotiate all of that away which is exactly what is happening.

I mentioned yesterday James Fyler. I probably shouldn't have said: James Fyler died of lead poisoning. He was shot 55 times. James Fyler was a labor organizer, and he lost his life for trying to organize for rights of workers. That was in 1914. Over a long period of time, we finally made progress and decided there are conditions of production with respect to the environment and workers and other things that make sense. And now all of a sudden, once we have established those rules, you can avoid all those rules as a company by pole-vaulting over them to India or China and deciding: That is where I am producing because I don't have to put up with all this nuisance such as not being able to hire kids or having to pay a livable wage or having to put up with workers that want to organize with respect to workers' rights.

I mentioned yesterday how much I admired liked Lech Walesa. He was the fellow in Poland who took down a Communist Government, leading workers' rights strikes in the country of Poland. We deeply admired him. Maybe we ought to stand up for similar issues in other parts of the world on economic matters. Maybe once we ought to decide that our real role is to bring others up, not push us down. That is why I offer this amendment.

I know there are plenty of people who feel very strongly that I am dead wrong about this, but they are not supported by the facts. All of the evidence is opposed to it working. There isn't anyone who can come to this heir argument that the current trade strategy is floor and tell me that a strategy that produces $700 billion a year in trade deficits, $2 billion a day in trade deficits, somehow works to the advantage of this country. It does not. It weakens America. We will not long remain a world economic power unless we have a strong manufacturing base and decide to stand up for the standards we fought for, for a century, that created a broad middle class that represented the purchasing power to move America forward. That is what so many forget.

Mr. President, I wish to make one other point. The amendment is nearly identical to the amendment offered by Senator DAYTON and Senator CRAIG when we had fast track before the Senate, and it received 61 votes. It passed the Senate, though it was dropped in conference. That is why I assume they do not want to vote on this amendment today. They worry they will lose the vote in the Senate.

My hope is they will understand that I have timely filed this amendment. It is germane. I have a right to a vote. I insist on a vote. And I believe it is the only conceivable way we can finally begin to change this country's trade policies and tell trade negotiators they cannot get into an airplane, fly halfway around the world, shut the door of the room in which they are going to negotiate, and negotiate away protections of American businesses and workers who demand fair trade. They cannot do that. We will not allow them to do that.

I say to the leadership on the other side, I hope they will now come back and have a vote on my amendment this afternoon. Win or lose, I feel passionately that this country needs to speak about this issue and do so in support of this country's economic interests.

Mr. President, 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. CONRAD. 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 BUDGET

Mr. CONRAD. Mr. President, we know the country has been hit by the catastrophe of Katrina. We know hundreds of lives have been lost. We know tens of billions of dollars of property damage has been done. We know there are thousands of people who have been displaced, who are without their homes. We know there is widespread devastation across an entire region of the country. We know the insurance losses to the country apparently approach $100 billion. We also know enormous damage has been done to our budget situation with the Federal Government.

I thought this was perhaps an appropriate time to come to the floor to talk about the changes in our budget situation and the implications for the future and how important it is that we begin to focus on the damage that has been done to our fiscal condition and to begin the process of thinking through what our response will be. Are we going to stay with the same plan that was in place before, or are we going to recognize a new reality and move to a different plan and hopefully steer the country back to some fiscal course that has better long-term prospects?

We know, putting in perspective before Katrina, where things stood; that we faced in this country very large deficits in historical terms. We go back to 2001, when we actually enjoyed a surplus of $128 billion, and each year since that time, the deficits have grown to record proportion. In 2004, the deficit reached a record level of $412 billion. The estimates for 2005, before Katrina, were $331 billion, still an enormous deficit, and in many ways it understates the seriousness of our fiscal condition because, as the occupant of the chair knows very well, the budget deficit is a more conservative look at how serious our situation is in the sense that it understates what is actually happening because the amount of the increase in the debt of our country is far greater than the reported deficit.

I find there is a lot of confusion on that as I go around my State. People think the amount of the deficit is what gets added to the debt, but that is not the case. What is added to the debt is much greater. In fact, we anticipate now that the debt will increase in 2005, not by $331 billion, but now with Katrina, well over $600 billion.

We now know Katrina has absorbed already $62.3 billion of additional spending. We were last told that the Federal Government was spending about $2 billion a day in response to Katrina, truly a stunning amount of money. That is over and above all other Federal expenditures. And this $62.3 billion is just a downpayment.

There was a report in the Wall Street Journal that the first estimates on Katrina costs for Washington hit $200 billion. This is in a story that just appeared on September 7. The lead says:

> The Federal Government could spend as much as $150 billion to $200 billion caring for the victims of Hurricane Katrina and rebuilding from its devastation, according to early congressional estimates—a total bill that would far surpass the initial costs of recovering from the 9/11 terror attacks and could put Katrina on track to become the most expensive natural disaster in American history.

None of us begrudge spending this money to help the victims. We all understand that is a Federal obligation, a tragedy of such sweeping dimension that it requires a full Federal response. But we need to evaluate these enormous expenditures in light of the very deep deficit ditch we are already in in this country, a deficit ditch that is only exceeded by the debt ditch that is being dug by the policies that are being pursued in Washington.

I think all of us who have been engaged in these debates know how serious the long-term outlook is. To evaluate what has happened in the past so

that we better understand our future, I wanted to go back to 2001. After the 2000 elections, the 2001 Congressional Budget Office, looking ahead, told us this was the range of possible outcomes for the budget going forward. This would be a projection on what the surpluses might look like going forward. They picked this midrange going forward.

They were projecting surpluses. That was the long-term outlook. The Congressional Budget Office, the Office of Management and Budget, told us we could expect something like $6 trillion in surpluses over the next 10 years at that time. I remember many of my colleagues told me repeatedly, when I urged them not to be betting on this 10-year forecast: Kent, you are being much too conservative.

Do you not understand that when we have these tax cuts, we will get much more revenue? We will not be at the midline of this range of possible outcomes. Instead, we will be significantly above it because if you cut taxes, the theory was there is going to be more money.

Well, we can go back now and look at what actually occurred, not what some ideological slogan predicted, but what actually occurred in the real world. In the real world what happened with deficits is this red line. It is far below the bottom of the projections that were made by the Congressional Budget Office. Not only did we not achieve the midpoint of the range, nor anywhere close to that, we were not even at the bottom of the range of possible outcomes. We are far below the bottom. So the theory that if we cut taxes, we get more revenue and this would all work out has not worked very well in the real world.

That can be seen if we look at the revenue line in historical perspective. This is the revenue line going back to 1959 as a percentage of our gross domestic product. The economists say that is the best way to look at it because that takes out the effects of inflation year to year. Look what we see. Revenue was almost 21 percent of GDP in 2000. The President at the time said revenue is very high historically, and he was exactly right, revenue was high historically. His answer was to cut taxes. But look at what has happened. Revenue in 2004 was 16.3 percent of GDP, the lowest it has been since 1959. So once again, the notion that if we cut taxes we are going to get more revenue did not work. We cut taxes repeatedly and revenue has collapsed. The result is the gap between spending and revenue has once again opened up and is producing massive budget deficits.

If we look ahead, it is all too predictable where we are headed. The administration earlier said they are going to cut the deficit in half over 5 years, but they got that result by leaving things out. They left out the full effect of war costs. They left out the cost of fixing the alternative minimum tax, which costs $700 billion to fix. The alternative minimum tax is the old millionaires' tax. It is now a middle-class tax trap. The alternative minimum tax affected 3 million people this year. Ten years from now it is going to affect 30 million people if we do not respond. So, of course, we are going to respond. We must respond. But it costs money and the money is not in the budget, just as war costs passed September 30 are not in the budget.

When these things are put back in, what one sees is a much different outlook going forward, and this is before Katrina. I want to emphasize this is before Katrina. What we see is a deficit picture that gets much worse, especially after this 5-year budget window. The budget the President submitted was for 5 years. Previously we had been doing 10-year budgets. I think one reason the President changed to 5 years is because we see the deterioration that is going to occur if the President's budget proposals are adopted, because the President is saying, spend more money but cut the revenue base as well. In fact, he is proposing over $1.5 trillion of additional tax cuts.

If we do a reality test, I think we have to ask ourselves the question, where is this all headed? We cannot pay our bills now. We are running near-record deficits. Spending is exploding. Sixty billion dollars has been appropriated to Katrina alone in the last few days. The President says, cut the revenue base by $1.5 trillion. Most of that cut will occur beyond the 5-year budget window, and this is before the baby boomers retire. What possible sense does this policy make?

We have before us a budget plan that makes the situation worse. The budget itself will increase the debt $600 billion a year every year for the next 5 years, and I will discuss that in the next chart. In addition to the budget plan, there is a plan called reconciliation, a process of fast-tracking legislation that was supposed to be used to reduce the deficit. In passing their budget this year, our colleagues decided to use that fast-track process to actually increase the deficit. Why? Because they have $35 billion of spending cuts over the life of the budget but they have $70 billion of revenue cuts. The result is the deficit is increased. The debt is increased—not reduced, but increased.

When one looks at the budget that was passed in the Senate and ultimately passed in the House and then passed both Chambers, what one sees is the debt of the country going up dramatically before Katrina. The debt was going to go up over $600 billion a year each and every year of the budget that was passed.

I know it is hard to believe, but these are the numbers in the budget document itself. In the budget document itself, their prediction of what will happen to the debt of the country shows that the debt will go up $683 billion this year. That is not the deficit, it is the increase in the debt of the country. Very often I find people are confused between the deficit and the debt. I think we should be focusing at this moment on the debt because that captures the money that is being taken from Social Security and all the other trust funds, money that has to be paid back, but there is no plan to pay it back.

The debt is going to increase under the plan of the budget that is before us, before Katrina, $683 billion this year; $639 billion the next year; $606 billion the third year; $610 billion the fourth year; $605 billion the fifth year.

There has been some improvement in this year, more than $50 billion of improvement from when this budget resolution was drafted. But, again, that is before Katrina. That improvement this year has been wiped out next year by the two legislative acts we have passed so far to deal with Katrina, over $60 billion in those two, with much more to come.

So we are right back in this neighborhood of increasing the debt by these massive amounts. What is most alarming is this increase in debt is occurring in the sweet spot of the budget cycle, before the baby boomers retire. When the baby boomers retire, then we see the real challenge begin. To look visually at what is happening to the debt, I prepared this chart because I think it communicates about as well as I can how we are building a wall of debt. The gross debt of the United States at the end of this year is estimated to be $7.9 trillion. One can see, with the course we are on, that debt is going to be jumping by $600 billion, some of these years more than $600 billion, each and every year for the next 5 years; massive increases in debt. At a time the President told us if we adopted his plan back in 2001, one will recall he said there is going to be maximum paydown of the debt. Do we see any paydown of the debt occurring? No paydown of the debt. The debt is skyrocketing.

There is not much interest in this town, or perhaps elsewhere, about this problem. But there will be. I predict there will be because, one, the markets cannot be fooled; reality cannot be fooled. The reality is, we are going deeper and deeper into hock.

Who are we going into hock to? Well, increasingly we are going into debt with other countries around the world. We owe Japan over $680 billion. We owe China over $240 billion. We owe the United Kingdom over $140 billion. My favorite is the Caribbean banking centers. We owe the Caribbean banking centers over $100 billion. I like to ask audiences back home if anyone is doing business with the Caribbean banking centers. I have never had a hand go up. I do not know where the Caribbean banking centers get their money, but we owe them $108 billion.

The debt is skyrocketing at the worst possible time, before the baby boomers start to retire. Because this debt is skyrocketing, we owe more and more countries around the world. In

the last 4 years alone, foreign holdings of our debt have increased more than 100 percent. Think about that. Other countries' holding of debt has gone up more than 100 percent in 4 years. That is utterly unsustainable. It has taken us over 200 years to build up a debt around the world and we have doubled it in the last 4. That is not a sustainable circumstance.

Couple that with the trade deficit—the trade deficit running over $600 billion a year—it seems to me it is very clear that as a country we are living beyond our means.

There are real consequences to doing so. Here is the pattern of Social Security beneficiaries. Of course, the same chart would apply to Medicare. We are just below 40 million people now eligible. By 2050, there are going to be 81 million. This is the demographic tsunami that is headed our way, and it is going to swamp a lot of boats. Our country has to get ready. We have to respond.

The biggest long-term problem we have is not with Social Security. Social Security's 75-year shortfall is estimated at $4 trillion. I personally do not believe that. I think that overstates the shortfall in Social Security. Why? Because this is based on an assumption. The shortfall in Social Security is based on an assumption that the economy is only going to grow 1.9 percent a year every year for the next 75 years. In the past 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of this shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did, but we have a big problem. The problem we have, as I diagnose it, is first of all those very large budget deficits we are running now, coupled with the shortfall in Medicare, which is seven times the projected shortfall in Social Security. This is the real 800-pound gorilla: Medicare—a shortfall of almost $30 trillion estimated over the next 75 years. This shortfall, I believe, is much more likely to come true than the projected shortfall in Social Security because it is based not only on an aging population but medical inflation that is running far ahead of the underlying rate of inflation.

If you put it all together, we have massive budget deficits made much more severe by the war in Iraq and Afghanistan that is adding $6 to $8 billion a month; coupled with Katrina, who knows what the ultimate cost will be? It is at least $60 billion and counting. And then we have these massive long-term shortfalls, especially in Medicare.

Then I look at the President's plan. The President says: Steady as she goes. Spend the money, but on top of it add massive additional tax cuts, tax cuts that are represented by these red bars, tax cuts that explode at the very time the Social Security and Medicare trust funds go cash negative. There can only be one possible result, and that is massive red ink, massive deficits, massive debt—a completely unsustainable situation.

It is not enough to curse the darkness. We also have to talk about what can be done here to begin to dig out. I believe on the revenue side of the equation, before we talk about any tax increase for anybody, we ought to talk about this tax gap. That is the difference between what is owed and what is being paid. It is estimated now conservatively at over $350 billion a year.

The vast majority of us pay what we owe; companies do, individuals do. But increasingly there are people and companies that do not. They now estimate that amounts to $350 billion a year of lost revenue. That is utterly unfair to the rest of us who are paying what we owe, and we ought to insist that everybody pay what they owe. If we could do that, we would close this yawning chasm by some significant amount—nobody knows quite how much. On the revenue side of the equation, I believe that ought to be our first order of business.

On the spending side of the equation, the first order of business ought to be to focus on Medicare and the 5 percent of beneficiaries who use 50 percent of the money. Five percent of the people use 50 percent of the money. They are the chronically ill. What can we do about it? What we can do is focus like a laser on those who are the chronically ill and better coordinate their care.

A pilot problem was done with 22,000 patients like that; assign nurse-practitioners to every one of those cases to better coordinate their care. The first thing they did was lay out the prescription drugs the patients were taking, and they found in many of the cases they were taking 16 prescription drugs, and they found in many cases half of them they should not be taking or didn't need to take.

I did this with my own father-in-law. I went into his home when he was ill. Sure enough, he was taking 16 prescription drugs. I got on the phone to the doctor and I went down the list. About the third drug I listed, the doctor said to me: He should not be taking that. He should not have been taking that for the last 3 years. I went further down the list. About two other drugs, the doctor said to me: He should never be taking those two together. They work against each other.

By the time we were done, we had eliminated 8 of the 16 prescription drugs he was taking. I said to the doctor: How does this happen? The doctor said to me: You know, it happens all the time. He said: I am the family practice doctor. He has a heart doctor, he has a lung doctor, he has an orthopedic doctor. He is getting prescription drugs at the hospital clinic, the corner clinic, the clinic down at the beach, and he is getting them mail order. He is sick and confused. His wife is sick and confused. The result is chaos.

All too often, that is what is happening. When we put nurse practitioners on the 22,000 chronically ill cases that were studied, they reduced hospitalization 40 percent, they reduced costs 20 percent, and they got better health care outcomes because they got people to stop taking drugs they should not be taking. They got them to stop having duplicate medical tests that didn't have any value but to put them through more stressful procedures. We ought to take that study on 22,000 and we ought to ramp it up to a quarter of a million or something like that and see if we could get those same results on a much bigger universe and see if we could continue to save money and get better health care outcomes.

Those are just two ideas, closing the tax gap and dealing with the tremendous explosion in costs in Medicare where, again, 5 percent of the people are using half of the entire budget. We ought to focus like a laser on that half of the expenditure, and we ought to do it quickly. The sooner we act on these problems and challenges, the better off we are. The longer we stay with our heads in the sand, the more Draconian will have to be the solution.

Katrina was a disaster of unparalleled dimension. All of us weep for those who have lost family members and friends. We are saddened by the other losses that have occurred as well. But we should not compound the problem by sticking with a fiscal plan that puts this country deeper and deeper into the deficit and debt ditch. That would add to the calamity. That would compound the disaster.

We ought to take this opportunity to begin to plan how we dig out. It is imperative that we act sooner rather than later. It is imperative that the Congress and the President begin a plan to put us back on a more sound fiscal footing. It would truly be ironic if this disaster were allowed to spread to an even deeper fiscal disaster, one that could cause the harm of Katrina to spread outside the Gulf region to every part of our country.

I am very hopeful that the President will provide leadership and that Congress will respond. If the President does not provide leadership, the Congress should demonstrate leadership and take this bull by the horns and recognize we need a new fiscal blueprint for this country. We need to start digging out of this deficit ditch and prepare a brighter and better future for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

KATRINA TAX BILL

Mr. SALAZAR. Mr. President, at the outset, let me praise my colleague from North Dakota for his wisdom and his leadership in addressing an issue this Nation has forgotten for too long a time; that is, the notion of fiscal responsibility and the fact that the

United States of America today finds itself in a fiscal ditch. How we address the fiscal challenges of our future will largely depend on his leadership and the leadership of our colleagues in the Senate to make sure the legacy we pass on to our children is not a legacy of debt that will hang around their necks for generations to come. I appreciate the leadership of Senator CONRAD from North Dakota.

Last week I stood before the Senate and said that Congress needed to take a three-pronged approach to responding to the devastation brought to this Nation by Hurricane Katrina. That three-pronged response, from my perspective, required us to do as much as we could to save lives and make sure we were responsive to the victims of Hurricane Katrina; second, we needed to move forward with a Gulf Coast recovery plan to help that part of our Nation recover; and finally, we needed to move forward to address the lessons to be learned from this horrific devastation of a great part of our Nation.

On the first step, this Congress has taken steps in rushing billions of dollars in emergency funding to the Gulf Coast. That funding should help the victims of Katrina begin their long road to recovery.

On the second step, it is my hope that Congress and the President of the United States will move forward and embrace a Gulf Coast recovery plan. As the minority leader has stated over the last several days, we need to have a mini-Marshall Plan that runs the program which will invest billions and billions of dollars in an effort to try to recover the 90,000 square miles of land that were devastated by Hurricane Katrina.

I commend my colleagues from Louisiana, Mississippi, Alabama, and throughout the country. They have been working on developing a plan. They are showing true leadership and taking the primary role in getting assistance to their States. I am working with them and sharing my ideas with them.

I believe a Gulf Coast recovery plan should, in fact, be created and announced soon. That Gulf Coast recovery should require a plan to be developed for the reconstruction of the Gulf Coast. It should identify the costs that will be associated with the implementation of that plan, and it should oversee its successful implementation. Finally and very important, that plan should minimize the corruption and waste that might occur where there are billions upon billions of dollars that are being spent in this recovery effort where much of that money is being allocated through noncompetitive bids.

Third, I strongly believe it is important for us as a United States of America to move forward to learn the lessons from this devastation. The independent commission that has been proposed by my colleagues in this body should, in fact, be embraced by the President of the United States and this Nation. When we look at what happened with respect to the devastation from Hurricane Katrina, it is clear to me, as a person who for much of the last decade of my life served as attorney general of the great State of Colorado, that our Nation and our Government failed to protect the lives of people, to protect people and their families, and to protect their property.

It is elemental with any kind of emergency preparedness effort that we must be ready for any emergency that occurs. We must respond to an emergency that occurs, and we must recover from that emergency. It is beyond dispute that this Nation failed with respect to the effort to be ready to address the issues of Hurricane Katrina, and once Hurricane Katrina made landfall we failed again to provide the kind of response that our National Government should have in fact responded.

We need to have this investigation occur so that we can learn the truth and learn the lessons. We need to know why, when the Governor of Louisiana declared a disaster emergency on Friday the 26th of August, it took up to 3 days until President Bush declared the area a disaster area. Why did it take 3 days for that to occur? Why did it take 4 days for the Department of Homeland Security to declare Katrina an incident of national significance—4 days for the Department of Homeland Security to declare Katrina an incident of national significance—5 days before National Guard troops arrived in significant numbers, and 6 days before FEMA took over the evacuation of New Orleans?

These are important questions we need to ask. We need to have some answers to these questions.

The resignation of FEMA Director Michael Brown is a step in the right direction.

I also applaud President Bush for taking personal responsibility for the Federal Government's failure in this arena.

Congress now needs to move forward with a full bipartisan investigation into what went wrong. We did it when the 9/11 Commission was created in this Congress and in this Senate. The results of that Commission are now being implemented.

We hope the administration and the majority leadership in the Senate will change their minds and support legislation to create an independent Katrina commission.

Over the last week, we have seen the terrible toll of the worst natural disaster in our Nation's history. The images of devastation and human loss will haunt all of us, and the emerging statistics of the scope of this disaster are overwhelming and continue to date. One million people have been displaced from their homes.

I sometimes think about the town that was nearest to the ranch where I grew up. The place matters in perspective. My town had 1,000 people and probably about 400 residences within that town.

We are talking about 1 million—one-fourth the population of the State of Colorado—displaced from their homes because of Hurricane Katrina. More than 500 people have been confirmed dead, and we yet are counting additional casualties and will not know the final number perhaps for weeks.

With the more than 200 people who died in Mississippi, the more than 200 people who died in Louisiana, or the people who died in Alabama and Florida—the fact is that their deaths should not be deaths in vain; that we should learn from the hurt of this Nation, from their loss of life.

Eighty percent of New Orleans is still underwater today, and much of the Gulf Coast is in tatters. The recovery pricetag—who knows what that may be. Many people are saying the ultimate pricetag for both the response and the recovery will exceed $200 billion.

Yet spread among this despair and destruction we have seen many instances of the greatness of heroism examples of Americans. The great State of Colorado is no exception. Colorado's emergency workers are on the ground on the Gulf Coast participating in the rescue and cleanup efforts and assisting evacuees.

Just this week, two firefighters from Centennial, CO, helped rescue a family of four still stuck in their home in New Orleans. Coloradans, like Americans throughout the Nation, have donated tons of supplies, millions of dollars, and thousands of volunteer hours to Katrina relief. Coloradans by themselves have already given more than $6 million to the American Red Cross.

That is a spirit of generosity and a spirit of community that is fundamental to this Nation.

Colorado has already accepted 1,000 evacuees to the Denver area. To prepare for their arrival, volunteers scrapped Labor Day plans and scrambled to clean and outfit the old Lowry Air Force Base barracks. Since the evacuees arrived, volunteers helped serve food, pass out donated clothes, and drive evacuees around to complete chores.

These examples give us great hope and resolve to begin the long process of rebuilding the millions of broken lives and hearts on the Gulf Coast.

The American people and their generosity and bravery are the strongest tools we have to help our countrymen and women recover from Hurricane Katrina.

To that end, I will today introduce a piece of legislation to nurture that American spirit of generosity and enable more Americans to contribute to the hurricane effort.

The first thing the legislation I will introduce will do is help folks who have generously taken in hurricane survivors into their homes, and to be able to do so in a manner that provides them a tax benefit.

According to the Department of Homeland Security, 248,000-plus evacuees are staying at 774 shelters across

the country. This figure underscores the fact that more than 700,000 evacuees are staying elsewhere. An estimated hundreds of thousands of hurricane victims are staying in private homes. In Colorado, at least 600 hurricane victims are staying in private homes. They are staying with family and friends, and sometimes even with strangers.

Right now, a person who writes a check to the Red Cross can get a tax deduction. But people who open up their homes to victims, feed them and help them, do not get a similar tax deduction. That generosity should not be penalized in any way.

My bill would offer a tax credit of a simple $20 per day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. That is $20 a day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. Households that take in an evacuee would be able to claim up to $900 in tax relief. Households that take in more than one hurricane victim would be eligible for up to $2,000 in tax relief. And low-income families who have no tax liability would be able to receive up to $500 in a refundable tax credit to help take care of hurricane victims. This assistance wouldn't cover all the costs of lending a helping hand, but it would recognize the sacrifice and generosity of folks who open their homes and hearts to Katrina survivors, and they should be applauded by our Nation.

The second thing my bill would do is to raise the limit of charitable contributions for Katrina relief. Right now, the amount of tax deduction an individual can get for charitable contributions is limited to 50 percent of the person's adjusted gross income. My bill would lift the limit for 4 years to allow individuals who can give more to do so.

Americans are aching to help, and this provision would allow them to do just that, and even more. Senators GRASSLEY, BAUCUS, chairman and ranking members of the Finance Committee, have developed a package of tax incentives to help victims of Hurricane Katrina. I applaud them for their efforts. Their bill also touches on these two issues of offering assistance to households who house victims and extend caps on charitable giving. I commend them for tackling the issue, and I am glad to work with them to include these provisions.

My bill is slightly different in that it offers good neighbors a more generous tax credit as opposed to a tax deduction, and lowers the barriers to low-income families to get help.

We have many challenges ahead, but because we have witnessed the bravery, generosity, and ingenuity of the American people, I am confident that the gulf coast's best days are still ahead.

I will introduce my bill later today. I urge my colleagues to support the bill and take a small step to nurture and encourage the best part of the American spirit and American generosity.

THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR. Mr. President, I also wanted to take a minute to address an issue concerning a decision that was handed down by a Federal district judge concerning the Pledge of Allegiance—a decision of the district court judge in San Francisco in which he determined that it was unconstitutional for the public schools to recite the Pledge of Allegiance in the classroom because of the reference it makes to ''one nation under God.''

He declared that decision to be one that was founded on his view that such a requirement in our public schools was unconstitutional and in violation of the first amendment. I disagree with the finding of the district court judge.

Last year, as attorney general for Colorado, I joined many of my colleagues, both Democrat and Republican, in making an argument to the U.S. Supreme Court and to the Ninth Circuit Court of Appeals that, in fact, it was constitutional for us to allow our children to recite the Pledge of Allegiance, and to use the term ''under God'' in that recitation in our schools.

I believe the Ninth Circuit decision back in 2002 was wrong, and I believe the district court judge's decision today is also wrong.

I will later today write a letter to Attorney General Gonzales asking him to participate in behalf of the United States in the appeal of the Federal district court judge's decision, again to the Ninth Circuit, and hopefully up to the U.S. Supreme Court so that we can get a final determination on this issue concerning the Pledge of Allegiance and how it is recited in our public schools.

In my own reading of the Constitution, and joined by most of my colleagues on both the Democratic and the Republican sides of the aisle during the time that I was attorney general, it was our conclusion that, in fact, the Pledge of Allegiance could be recited and that the reference ''one nation under God'' was, in fact, in keeping with the constitutional requirements of the first amendment.

I thank the Chair. 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.

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

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

AMENDMENT NO. 1695

Ms. LANDRIEU. Mr. President, I understand we are currently considering the Kerry-Landrieu amendment to the CJS appropriations bill. We have been considering amendments to this important bill all day in light of the devastation and tremendous challenge that is before the Nation right now to help rebuild our gulf coast area and particularly the southeastern part of the State I have the great privilege and honor of representing.

I understand there are various different opinions from the Republican side and the Democratic side about what to do and how much to do and when to do it regarding either communications or housing or health care or education. I understand a lot of those details are being worked out as we debate on the floor.

In a spirit, though, of bipartisanship, I do come to the floor to urge special consideration for this particular amendment. Believe me, there are so many amendments to this bill I have voted for today and wish we could have adopted. But the reason I feel particularly strongly about this amendment is because small business is the heart and soul and strength of the economy in Louisiana, in the gulf coast region, and, as a matter of fact, throughout the Nation. I do not think we realize that. We say it, but I do not think we really believe it. So I thought I would come to the floor and talk about how many businesses in Louisiana have been destroyed, totally destroyed, and destroyed not because the people who run them have lost their lives, but either their facilities are underwater, their equipment has been ravaged by the winds and the storm, or perhaps their inventory has been completely wiped out. It has happened to 110,000 small businesses out of 300,000 businesses. So we are talking about a third of the businesses that were here 3 weeks ago and are gone or are not able to operate anywhere near their 100 percent or 50 percent or even 25 percent capacity.

Now, I know this because I am getting calls from hundreds of small business owners that go something like this: Senator LANDRIEU, we are trying to answer the phones when they ring. When the communication systems work, we are answering the phone. We want to come back and build up our business. But doesn't anybody in Washington understand, you can't build a region until you build small business back?

It is the first thing we have to help build back. Why? Because these small businesses employ most of the people we are trying to help. Without a paycheck, it does not do a lot of good to give people anything else because they need a paycheck to basically live and put capital back into the community.

So I am making a special request of my colleagues, particularly the Senator from Maine, Ms. SNOWE, who has been such a great advocate for small business, for Senator KERRY from Massachusetts, who has been a wonderful and very effective advocate for small business. I am pleading with my colleagues on this amendment particularly. If we can accept this version, great. If there is another version that could help, please, let's do something today to send a signal to small businesses.

Gautreau's is a very well known and beautiful little restaurant that has

been around for many years in New Orleans. It is a small cafe. Patrick Singley is the owner. He has had 20 employees. This is just one of hundreds of stories I could tell. His 20 employees keep calling him asking when they can come back to work. He has lost the roof of his restaurant. His restaurant is completely flooded. His insurance company is covering his expenses for 2 weeks. The last I looked, those 2 weeks are gone. It may be months before he can reopen. He can't pay his workers.

We could adopt this amendment today in the Senate and get it over to the House. In a few days, they could take up this amendment.

This is not new legislation. Except for one provision that I understand is new, everything else exists. It has worked before, and it could work again. We have to get these small businesses help: deferred payments on their SBA disaster loans; help them refinance their existing disaster loans and their business debt; increase the disaster loan cap from $1.5 million to $10 million, as we did for 9/11 victims. I know that some businesses could borrow $250,000 to get back in business and be in good shape, but some small businesses are going to need to borrow a million dollars to get back in shape. Yet others are going to need to borrow $10 million. We know large companies are going to be borrowing hundreds of millions of dollars, maybe even billions, depending on how large the companies are.

Small businesses that have trouble accessing capital because of their small size need the Federal Government to stand up for them and support them. The supplemental 7(a) program is one with which we are familiar. We have supported it. There are State bridge loans. This amendment, which is part of this package, would authorize $400 million to the affected State governments of Louisiana, Mississippi, and Alabama to provide emergency bridge loans or grants to small businesses in the disaster area that have been adversely affected. In other words, a lot of these businesses have insurance policies, but those insurance policies won't kick in for some time. Many of these small businesses don't have a lot of cash, 6 months or a year, to continue their operations—this is a very important component of what we are trying to do—whether they are a shoe store, a candy store, a restaurant, a manufacturer, a telecom company, or a high-tech company in Louisiana trying to operate. Small business counseling—we could all use a little counseling—our small businesses can most certainly use it to help them get through this difficult time.

I know others have spoken about the amendment. I know there is a big decision. Some say: We don't want to do it now. We want to do it not in a piecemeal fashion. We have to wait until the whole package is together.

I am saying, as a Senator from Louisiana, we can't rebuild without our small businesses rebuilding first. We have to help people with food, water, and shelter. We have to lift them out of the floodwaters. We are still burying our dead respectfully. We are saving lives. But the first cornerstone of rebuilding must be helping our small businesses get back on their feet. They employ most of the people. They have been the hardest hit. They are the ones that have the least ability to maneuver in a situation such as this.

I am pleading with the Senate, please take a hard look at this amendment. Don't just say: We will do it in a month or two. Forty percent of businesses that go through a disaster never start up again. According to national statistics, 43 percent of small businesses never reopen. An additional 30 percent close down permanently within 2 years. It is not fair to small businesses that have staked their anchor in Louisiana for generations. Fathers who have passed these businesses to their sons, mothers to their daughters, grandparents to their grandchildren, need help now.

That is why I appreciate Senator KERRY and Senator SNOWE for this amendment. Senator KERRY has offered it, and many people are thinking about whether to vote for it.

I just had a visit from one of our fine business owners who is currently serving, thank the Lord, as chairman of the board of directors of the U.S. National Chamber of Commerce, Maura Donahue from St. Tammany Parish. She just left my office. She and her husband operate a small business. I said: Maura, God has put you in this special place for a reason, because you know personally, as the businesses that have suffered in Louisiana, what we need. Her leadership is going to be tremendous. I want to acknowledge her. Through all the difficulties she has been, through her own business and her own family, she is there to help businesses in Louisiana. She can speak from firsthand experience what this storm has done to her own business and to the employees.

Let me define small business. I don't know exactly how many people her business employs, but I am talking about businesses that have less than 20 employees. That is little, not tiny—1 or 2 could be small—but 20. That is where the bulk of our employment is. If we allow them to collapse because we can't get it together, we can't agree, or we have to wait for 2 months, most of these businesses will not be around by the time the package gets through Washington bureaucracy. I am here to plead on behalf of small business, please give them a chance to stand up. Their electricity is getting back on. They need their roofs fixed, inventories restored, cell phone service turned on, BlackBerries need to work. Then they can start putting people back to work. If not, the bill that is going to come to this Congress for us to give unemployment to people, for us to pick up their medical, for us to pick up their livelihoods is going to be even more.

Let's get our small businesses started first. That is why I support this amendment. I don't know when we will vote on it. I offer my strong statement of support for the small businesses in my State, for all businesses, but particularly for the small businesses that employ about 85 percent of the people who are desperate for employment and desperate for a place to show up to go to work.

I thank the Chair. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1654, 1694, AS MODIFIED, 1701, 1708, 1709, 1710, 1711, 1712, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments, which 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?

Ms. MIKULSKI. Mr. President, we, too, concur with the managers' package. We think the amendments are very good. We look forward to moving the bill. We are ready to vote.

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

The amendment (No. 1654) was agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1694, AS MODIFIED

(Purpose: To waive the match requirement under the Bulletproof Vest Partnership grant program for purposes of replacing defective vests)

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

SEC. . The Attorney General may waive the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AMENDMENT NO. 1701

(Purpose: To increase funding for the Technology Opportunity Program)

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.

AMENDMENT NO. 1708

(Purpose: To provide the sense of Congress on the 11th International Coral Reef Symposium)

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

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

AMENDMENT NO. 1709

(Purpose: To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice)

At the end of title VI, insert the following:

SEC. 6____.(a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term ''Chief'' means the Chief of the Section.

(2) The term ''criminal civil rights statutes'' means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term ''Section'' (except when used as part of the term ''Criminal Section'') means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

AMENDMENT NO. 1710

(Purpose: To provide additional funding for the Methamphetamine Hot Spots program)

On page 135, line 25, strike ''$515,087,000'' and insert ''$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of $19,900,000,''.

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''.

AMENDMENT NO. 1711

(Purpose: To provide additional funding for Violence Against Women Act programs to assist victims of sexual abuse and domestic violence)

On page 111, line 5, strike ''$125,936,000'' and insert ''$116,936,000''.

On page 130, line 23, strike ''$362,997,000'' and insert ''$371,997,000''.

On page 132, strike line 14 and insert the following:

386;

(9) $2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

AMENDMENT NO. 1712

(Purpose: To provide additional funds to the National Hurricane Center)

On page 129, line 7, before the ':'' insert the following:

'', and of which $5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region''.

AMENDMENT NO. 1694, AS MODIFIED

Mr. LEAHY. Mr. President, I am pleased that the Senate has agreed by unanimous consent to include in the Commerce-Justice-Science appropriations Act, H.R. 2862, an amendment proposed by myself, Senator SHELBY and Senator SPECTER to waive the match required under the Bulletproof Vest Partnership Grant Act of 1998 for law enforcement agencies that received funds under that act, used them to purchase Zylon-based body armor, which has recently been shown by the Department of Justice to be defective, and now want to replace those faulty vests with funds awarded by that act. This waiver would be granted only if those agencies can present documentation to prove that they purchased Zylon-based body armor with funds awarded to them under the Bulletproof Vest Partnership Grant Act. I thank my friends Senator SHELBY, the chairman of the CJS Appropriations Subcommittee, and Senator SPECTER, the chairman of the Judiciary Committee, for cosponsoring this amendment and for their leadership on this issue.

I was proud to partner with our former colleague Senator Campbell to author and shepherd into law the Bulletproof Vest Partnership Grant Act of 1998, which was reauthorized by the Bulletproof Vest Partnership Act of 2000 and most recently as part of the State Justice Institute Reauthorization Act of 2004, to create the Bulletproof Vest Partnership grant program as a means of helping law enforcement agencies purchase body armor for their rank-and-file officers. We wrote that act, in part, in response to a situation that became apparent in the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Bulletproof vests remain one of the foremost defenses for our uniformed officers. Since their introduction more than 30 years ago, body armor has saved more than 2,700 lives. From 1999 through 2005, over 11,500 jurisdictions have participated in the Bulletproof Vest Partnership Program, with $118 million in Federal funds committed to support the purchase of an estimated 450,000 vests. The Bulletproof Vest Partnership Program funds up to 50 percent of the cost of each vest purchased or replaced by law enforcement agency applicants. Under law, the program is required to fully fund the 50 percent of requested vest needs for jurisdictions under 100,000 in population. Remaining funds are distributed to jurisdictions of over 100,000 in population.

Concerns from the law enforcement community over the effectiveness of body armor surfaced nearly 2 years ago when a Pennsylvania police officer was shot and critically wounded through his relatively new Zylon-based body armor vest. Responding to requests

that Senator Campbell and I made, as well as from law enforcement officials, Attorney General Ashcroft launched the Body Armor Safety Initiative. The National Institute of Justice, NIJ, was directed to initiate an examination of Zylon-based bullet-resistant armor—both new and used—to analyze upgrade kits provided by manufacturers to retrofit Zylon-based bullet-resistant armors, and to review the existing program by which bullet-resistant armor is tested to determine if the process needs modification.

On August 24, 2005, the Justice Department announced that test results indicate that used Zylon containing body armor vests may not provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 Zylon-based vests have been purchased, many with Bulletproof Vest Partnership Program funds, and now need to be replaced. The Justice Department has adopted new interim requirements for its body armor compliance testing program. It has also added an additional $10 million to the $23.6 million already available for the current fiscal year to law enforcement through the Bulletproof Vest Partnership program to assist agencies in their replacement of Zylon-based body armor vests.

Before concerns on Zylon-based vest safety arose, DOJ and NIJ had set voluntary compliance testing protocols to assess whether models of ballistic-resistant body armor comply with a certain minimum standard of protection and resistance. All models of ballistic-resistant body armor that complied with those standards were eligible for funding under the Bulletproof Vest Partnership Grant Act. As it turns out, those standards were not rigorous enough and the certification process was not onerous enough, thereby subjecting our Nation's law enforcement officers to severe safety risks.

Across our Nation, law enforcement agencies are struggling over how to find the funds necessary to replace defective vests that are less than 5 years old with ones that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. The extra $10 million released by the Justice Department is only a drop in the bucket and these officers are being forced to dip into their own pockets to pay for new vests unless the Federal Government offers more help. The amendment by Senator SHELBY, Senator SPECTER and me that has been included in the CJS Appropriations Act will help ease the burden faced by officers and their families and further our mission to provide every police officer who needs a safe vest with the means to purchase one.

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.

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

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

Ms. MIKULSKI. Mr. President, I know for those who are watching on C–SPAN, they wonder what are we doing as we go through names such as AKAKA and BAUCUS in a quorum call. Actually, what we have been doing is working very quietly with other Senators to see, where they have offered amendments, if we could negotiate compromises and just take them. We have been working very collegially with my wonderful colleague from Alabama, Senator SHELBY.

As you can see, we just cleared eight amendments on which we could come to bipartisan support. So there is a lot of work going on right in back of these doors and also with other Senators in their offices.

AMENDMENT NO. 1648

Ms. MIKULSKI. Mr. President, pretty soon we are going to be debating the Coburn amendment. We could not reach an agreement on it, even though there was a good-faith effort.

This Coburn amendment could bring great damage to the efforts for innovation and discovery in this country. What the Senator from Oklahoma wishes to do is eliminate a program called the Advanced Technology Program that is currently at the National Institute of Standards.

This is a Government agency under the Department of Commerce, and its job is, No. 1, to establish standards of products that are coming to the marketplace so that they would be uniform—for example, that every firehose would have the same gauge so the guys coming down from New York, working with the people from Alabama, could bring their equipment and it could be joined together. That is what a standard is.

Madame Curie discovered radium, and it was there they established the Curie standard on how to measure radioactivity. But it does more than that. The Advanced Technology Program actually promotes innovation and technology transfer.

The amendment of the Senator from Oklahoma would eliminate the funding, and commitments that have already been made to those people primarily in the private sector would be eliminated. It would hurt critical research and development. This is very important to our competitiveness. We keep talking about offshoring. We don't want to offshore jobs. What we need to do is come up with the new ideas, come up with the new products that create the new jobs right here in the United States of America.

The amendment of the Senator from Oklahoma is well intentioned. He wants to eliminate a Government program and provide it to local law enforcement and to weather. We understand what his priorities are. In the bill, working on a bipartisan basis, we feel we have done that.

I know, in the reading of the bill, one can see we provide over $1 billion to State and local law enforcement. We provide half-a-million dollars to the COPS program that helps local law enforcement be able to add more COPS on the beat. We add more money, $775 million, to the Weather Service operation, which has proved so wonderful and effective in predicting hurricanes and, actually, tornados and other things.

I support the goal of the Coburn amendment to increase funding for these critical programs, but we cannot support the cutting of the Advanced Technology Program.

On March 17 of 2005, 53 Senators voted to support the ATP program in an amendment to the budget resolution. So I am going to urge my colleagues to defeat the Coburn amendment.

I have come not to defend another Government program. I am not here to defend another agency. I am here to protect the interests of the United States of America in innovation, discovery, and partnerships with the private sector that actually come up with those new ideas. Many of those ideas save lives, and they create the jobs that save livelihoods.

My colleague from Oklahoma had some great charts, and it implied that ATP was corporate welfare. This is not corporate welfare. This is a creative approach that offers partnerships between the Federal Government and the brain power of the private sector. Through these partnerships, ATP accelerates the development of innovative technologies that promise significant commercial payoffs and widespread benefits for the Nation, but they are so early in the development it is very difficult for them to attract private investment, even venture capital.

How does this agency work? ATP funds development in technology that is too new or too risky for private sector investment in the so-called ''valley of death'' between research and commercialization. There is lots of money around for research and there is money around for commercialization but not for that bridge between those. ATP fills this gap. It does not displace private capital because these projects cannot get private capital. ATP applicants are required to look first for private capital, venture, wherever they can find it. ATP is the funder of last resort.

For example, in the 1990s, NIH was conducting research on the human genome and DNA. It was a breakthrough effort, and at the same time NIH worked simultaneously with ATP and industry. Why? We needed practical tools to use the discoveries that benefit the Nation so we just would not have this research in the lab. Guess what came out of it. ATP's investment came out with new ideas for DNA technology to detect disease, to get lifesaving drugs to the market, to catch criminals.

State crime labs are using that technology. They are using DNA to go back to old death penalty cases to make

sure that we have the right person who committed a particular crime. DNA is saving lives, and it is also restoring justice in this country. It is a phenomenal breakthrough. We helped take it from the lab, worked with the private sector, and came up with these new ideas.

Is ATP important and effective? Sure. It has benefited the Nation for two reasons. One, we partnered the Government with industry and the private sector to develop those new technologies. For example, ATP was a partner in the development of something I am tremendously interested in, and I know the Presiding Officer is. It helped come up with a new generation of digital mammography and radiology. It provided far more accurate detection at far lower cost, and it is projected to save over $200 million in health care costs. Helping develop that one idea is saving lives, helping families and, at the same time, what it saves in the burgeoning health care costs would pay for ATP itself.

ATP has contributed to the development of more than 240 new technologies that have been commercialized. It improves our economy. Just 41 of their 700 projects to date have given us economic benefit.

The other thing that my colleague from Oklahoma suggests is, again, we are funding big corporations. Why are we doing that? I will not give their names but this blue chip and this S&P 500 and so on. Well, what colleagues need to know is that 75 percent of all ATP recipients are small businesses.

Are large companies involved in ATP? Yes. How? Because they have joint ventures offered with smaller companies in their chain of development. In these arrangements, almost all ATP funding goes to the smaller company, but the larger companies handle all administrative costs so that the small companies can focus more on product development. By the way, large companies do not get a free ride. Large companies must match the ATP by 60 percent. So this is a partnership to leverage these private sector efforts.

For example, large automakers partnered with the auto parts supply people to improve the manufacturing of American automobiles. It has improved our aerospace industry, making manufacturing more competitive.

Finally, ATP does not subsidize companies to do product development. Companies have to have their own scientific plan. They have to have a business plan on how the technology will go to market. Our ATP only funds the development of the new technologies. Companies must then take it to the marketplace.

We understand that our new colleague wants to use the Federal taxpayer dollar wisely, and he wants to protect communities by using the money to go to law enforcement and weather. We want to help that, too, and we have put the money in the budget for that. What we want to do, when we are talking about protecting the American people, is protect them through innovation, discovery, and the new ideas for the new products that lead to the new jobs that keep this country ahead and an economic superpower.

I hope that when our colleague comes and discusses this and we have a vote, my colleagues—certainly those on my side of the aisle—will take my word for it that we have supported law enforcement, we have supported the Weather Service, and this Advanced Technology Program is crucial to the future of our country.

I yield the floor.

Mr. LEVIN, Mr. President, the Advanced Technology Program, ATP, promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

We have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is a very modest program which, according to the Department of Commerce, has had a result eight times more in technologies developed than the amount of money we have put into the program. This is an eight-time return on investment in advanced technologies which is achieved when the Department of Commerce partners with industry through the ATP.

During consideration of the Senate budget resolution in March, the Senate adopted a Levin-DeWine amendment to restore funding for the Advanced Technology Program, putting the Senate on record in support of this program. Leaders on the Commerce, Justice, and Science Subcommittee also support this important innovative program and have funded it at $140 million in their bill for fiscal year 2006. I urge my colleagues to continue their support for the ATP and oppose this amendment that would gut the ATP.

Mr. BINGAMAN. Mr. President, America's future, indeed the world's future, will be more powerfully influenced by science and technology than ever before. Where once nations measured their strength by the size of their armies and arsenals, in the world of the future, knowledge and innovation will matter most.

The Advanced Technology Program, ATP, at the National Institutes of Standards is a modest Government program, $140 million for fiscal year 2006, that helps spur the development of technologies that create the industries and the high-wage jobs of the future.

What sets this program apart from our other publicly supported R&D programs is that it focuses on the technology needs of American industry, not those of the Federal Government. Its pre-competitive research nonetheless addresses many of America's most pressing widespread challenges including improving homeland security, strengthening our manufacturing processes, and lowering our dependence on foreign sources of energy.

Awards are made strictly on the basis of rigorous peer-reviewed competitions. Additionally, it has very strict cost-sharing rules, and it does not fund product development.

The Advanced Technology Program fills a unique role in U.S. innovation policy. ATP bridges the gap, the so-called ''valley of death'' between innovative ideas arising from basic research in the laboratory, and the access to market capital to commercialize them.

Federal funding for R&D is currently in decline, hovering at about half of its mid-1960s peak of 2 percent of GDP. Excluding spending on defense, homeland security, and space, Federal investment in fundamental research is expected to decline in real terms over the next 5 years.

Although industry funds nearly 65 percent of U.S. research and development, growth in industrial R&D is slowing. Moreover, industry concentrates most of its R&D on near-term product and process improvements. Truly radical innovation is often left to new firms, which often have difficulty attracting capital. Venture capital firms steer away from high-risk technology development because profits are too uncertain or too distant. In fact, less that 1.5 percent of venture capital funding is available for proof-of-concept, or seed funding, and early product development.

However, through partnerships with the private sector, ATP's early stage investment accelerates the development of innovative, high-risk, high-pay-off, longer-term efforts to develop technologies that promise significant commercial profits and widespread benefits for the Nation.

The administration's own analysis documents that the ATP program has generated $17 billion in economic benefits from just 41 of the 736 projects it has completed, a truly staggering rate of return on taxpayers' investments. In a comprehensive review of ATP in 1991, the National Academy of Sciences' National Research Council found that it was a highly rated public-private partnership program that spurred the development of new technologies and concluded that ''the ATP it could use more funding effectively and efficiently.''

It is no wonder that nations from around the world are intensely interested in learning more about how our ATP process works in order to fine tune their own national efforts in innovation. In an effort to boost their economic growth, Taiwan, Australia, France, Germany, Japan, the Netherlands, Switzerland, and the United Kingdom are all developing programs based on major features similar to our Advanced Technology Program.

So why, a reasonable person might ask, are we trying to kill what other nations are trying to copy?

That is one of the key questions the Senate must address when considering the proposed amendments to the Commerce-Justice-Science appropriations measure that would cripple the Advanced Technology Program.

Other countries are coming up fast behind us on the technology track and are pouring resources into their scientific and technological infrastructure. If current trends continue, there is a very good chance that U.S. competitiveness in key high-tech areas may fall behind.

When we talk about competitiveness, what we mean is our capacity to increase the real income of all Americans by producing high-value products and services that meet the test of world markets. The fact that we need to be competitive in the global market is not some mere abstraction, nor is it some future worry that we have time to ignore today.

High-tech R&D today is so enmeshed in our economy that it is part and parcel of the jobs and growth issue. The relationship between innovation and economic growth has only increased in recent years as the world shifts to an increasingly knowledge-based economy. The way we should think about it is that knowledge drives innovation, innovation drives productivity, and productivity drives our economic growth.

ATP has helped drive economic growth in my State of New Mexico by partnering with companies of all sizes and non-profits encouraging them to take on greater technical challenges.

An ATP project funded in 1991 teamed six top printed wiring board suppliers and users and Sandia National Laboratories in Albuquerque to address technical deficiencies that had developed due to cutbacks in corporate research budgets. The U.S. industry which had been losing market share at the time, dropping from 42 percent to 26 percent, was able to turn around this decline because of research co-funded by ATP. Over 200,000 jobs were rescued.

ATP projects in New Mexico have also included joint efforts with Cabot Superior MicroPowders in Albuquerque to reduce the amount of precious metals used in the manufacturing process to reducing the costs of fuel cells. Star Cryoelectronics in Santa Fe linked up with ATP on technology to enable rapid identification of particulate contaminants and defects during semiconductor fabrication. ATP along with MesoFuel in Albuquerque is developing a technology to generate pure hydrogen reliably and safely.

The need for the Advanced Technology Program has never been more apparent. We have absolutely no choice but to emphasize what we do best in this fierce global competition.

Our most important strength has always been innovation. Our can-do spirit of commercializing technological innovation has always been America's core competence. And today that ability is further honed by the Advanced Technology Program that enables us to innovate better and faster than anyone else.

Rather than cutting back on our investments in the future, we must continue to invest in proven programs like ATP to develop the technologies to create the new industries that will provide solid economic growth in the years to come.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I call for the regular order with respect to the Coburn amendment No. 1648.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I oppose this amendment. This amendment would terminate funding for the Advanced Technology Program, what we call ATP. ATP is unique among Federal research programs. Most Federal research is focused on advancing scientific knowledge. However, there is a very long road from scientific discovery in a university lab to the commercialization of that product.

According to the National Science Foundation, less than 1.5 percent of venture capital funding in the private sector is available as seed funding for proof-of-concept. ATP seeks to fill that gap in funding.

The program was founded to ensure that not only do we win the Nobel Prizes with our excellent venture research but that we also commercialize our discoveries ahead of our foreign partners and thereby create jobs for our own people.

Some have said the idea that we are in a global technology race is outdated. Nothing could be further from the truth. Whether it is semiconductors in China and Taiwan or nanotechnology in Europe, our global competitors are investing heavily in programs to beat us to the marketplace. Surely we can afford the $140 million investment included in this bill to stay competitive.

The Advanced Technology Program projects have succeeded in a wide range of fields. They are already delivering cheaper, better bone marrow transplants, mammograms, and cartilage repair. They are enabling companies to make biodegradable plastic from corn, improving manufacturing, and powering longer lasting lightweight fuel cells.

Moreover, this program has helped small businesses. More than 75 percent of all ATP projects include a small business. Sixty-six percent of ATP projects are led by or involve only a small business. Of the single-applicant awards, 78 percent have gone to small businesses and 11 percent have gone to medium-sized businesses and nonprofits. By contrast, only 11 percent of solo awards have gone to large businesses.

In a more extensive and comprehensive review, the National Academy of Sciences found ATP to be an effective Federal partnership that they said ''could use more funding effectively and efficiently.''

Measurement and evaluation have been part of the ATP program since its inception. The most recent ATP annual report showed the program has generated $17 billion in economic benefits from 41 of its 736 completed projects.

In short, this program works. After all, the Council on Competitiveness's National Innovation Initiative report noted that ''innovation will be the single most important factor in determining America's success through the 21st Century.''

If we adopt the amendment offered by my friend from Oklahoma, Senator COBURN, we would cut off a program which has as its sole purpose investing in American innovation.

This program has the support of the Senate. On March 17 of this year, the Senate voted 53 to 46 in favor of a sense-of-the-Senate amendment to the budget resolution stating:

> It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

That is exactly what we are doing. This bill funds technology initiatives which fuel our economy. The program works. In this austere budget environment, there is no room for programs that do not work. We do not have that luxury.

I oppose the termination of the Advanced Technology Program. I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Mrs. MURKOWSKI) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—68

Akaka	Cantwell	Feinstein
Alexander	Carper	Frist
Allard	Chafee	Gregg
Allen	Clinton	Hagel
Baucus	Cochran	Hatch
Bayh	Cornyn	Hutchison
Bennett	Crapo	Inouye
Biden	Dayton	Jeffords
Bingaman	DeWine	Johnson
Bond	Dodd	Kennedy
Boxer	Dole	Kerry
Bunning	Domenici	Kohl
Burns	Durbin	Landrieu
Byrd	Enzi	Lautenberg

Leahy	Obama	Sessions
Levin	Pryor	Shelby
Lieberman	Reed	Smith
Lincoln	Reid	Specter
Lugar	Roberts	Stabenow
Mikulski	Rockefeller	Voinovich
Murray	Salazar	Warner
Nelson (FL)	Sarbanes	Wyden
Nelson (NE)	Schumer	

NAYS—29

Brownback	Ensign	McCain
Burr	Feingold	McConnell
Chambliss	Graham	Santorum
Coburn	Grassley	Snowe
Coleman	Harkin	Stevens
Collins	Inhofe	Sununu
Conrad	Isakson	Talent
Craig	Kyl	Thomas
DeMint	Lott	Thune
Dorgan	Martinez	

NOT VOTING—3

Corzine	Murkowski	Vitter

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know my colleague from Arkansas is intending to seek recognition in a moment. I wanted to ask the manager and ranking member of the subcommittee, I offered the amendment that deals with trade and weakening of trade remedies. I offered that previously, and I am wondering where that might exist with respect to the vote we might have this evening. I know the manager wants to finish the bill. I want to be helpful in doing that, but I think my amendment is germane. It has been offered. I have debated it. I wonder what we might expect with respect to a vote.

Mr. SHELBY. Mr. President, it is my understanding that Senator GRASSLEY has been in some negotiations regarding the amendment. Trade is under the jurisdiction of the Finance Committee. I don't know where he is now. I do not know if he voted, but we have been working with him.

I know the Senator wants to bring up his amendment as soon as he can. But I want to make sure Senator GRASSLEY is ready and on the floor. We will try to locate him.

Mr. DORGAN. Mr. President, I thank the Senator from Alabama. I believe the amendment is germane. I have debated it, and I hope we can find a way to have a vote on that amendment. It is a very important amendment with great merit. My expectation is we ought to proceed.

I thank the Senator, and I will look forward to having the opportunity to have this vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1703

Mr. PRYOR. I call for the regular order of business with respect to Pryor amendment No. 1703.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1703, AS MODIFIED

Mr. PRYOR. I have a modification which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1703), as modified, is 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 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 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 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 in any areas or markets in which the Commission determines price increases are due to factors other than the additional costs it shall also notify the appropriate state agency of its findings. *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 interim 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, this is an amendment relating to price gouging on gasoline. I thank many of my colleagues who have cosponsored and helped in this process: Senators MIKULSKI, SALAZAR, OBAMA, STABENOW, BEN NELSON, BILL NELSON, CORZINE, BINGAMAN, DORGAN, DURBIN, INOUYE, FEINGOLD, DODD, KERRY, and there may be one or two others who have wanted their names added in the last few moments. I thank my cosponsors for all the work they have done.

This started with me traveling the State of Arkansas, as many Members have traveled their home States, during the August recess, and everywhere I went people talked about high gas prices. This is putting a strain on the economy, putting a strain on families, hurting not only every section of the country but also every sector of the economy.

It is very difficult for the people in my State, and I am sure it is hard for people in other States, to pay record high prices at the gas pump, only to open the business pages and see the oil companies are making record profits.

A bad situation has become worse in the aftermath of Hurricane Katrina. Americans have a right to know why gas prices are so high. They have a right to know if there is price gouging occurring. This amendment does not say there is. This amendment requires the FTC to do an immediate investigation into high gas prices to make comparisons and determinations and make sure there is no price gouging occurring.

I don't want to say he agrees completely with this amendment, but certainly President Bush has said on ABC, on ''Good Morning America'':

> I think it ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting or price gouging at the gasoline pump or taking advantage of charitable giving or insurance fraud.

That is from President Bush. Certainly, the sentiment is there that if there is gouging going on, we need to know about it. This requires the FTC to do an immediate investigation and come back and report to Congress with their findings within 30 days.

I give a special thank you to Senator DOMENICI. We worked very closely with him and his staff, we worked very closely with Senator SHELBY and his staff, and Senators BINGAMAN, CANTWELL, BILL NELSON, and BEN NELSON. Everyone played a role. I give a very special thank you to our friend and colleague from Maryland, Senator MIKULSKI. She has done yeoman's work on this amendment. She and her staff—I need to give credit to all the staff. We reached a bipartisan agreement on this

a few moments ago. I thank all my colleagues and certainly I look forward to hearing from Senator MIKULSKI on this very important issue on which she has worked so hard.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator has commented about this amendment and about my participation. I thank him for his comments and state it was a pleasure to work on it. I think it will accomplish something. The people want some hope that it is being looked at objectively. I am glad to be part of it.

Ms. STABENOW. Mr. President. I rise today to speak about a very important amendment authored by Senator PRYOR, which I have cosponsored. Our amendment allocates a minimum of $1 million of the funds in this appropriations bill to allow the Federal Trade Commission to complete the investigation into possible gasoline price gouging. I was one of the authors of the original provision included in the energy bill that directs the FTC to investigate gasoline pricing practices. So I am very pleased to be joining Senator PRYOR in ensuring that we get some answers quickly.

I offered my original amendment to the Energy Policy Act of 2005 in June of this year when we were debating the energy bill on the floor of the Senate. Back in June we were already experiencing high gasoline prices that fluctuated wildly from day to day, and in some cases, from hour to hour. I heard from many Michigan families who are unable to budget for gasoline to take their kids to school and commute to and from work because the prices they paid each week varied so much. I also heard from people in Michigan that they are extremely worried about gasoline pricing practices. They are concerned that they are getting gouged at the pump with no recourse.

A lot has changed since June and I am sorry to say that it hasn't been for the better.

Since June we have had a catastrophic hurricane ravage Alabama, Mississippi, and Louisiana. We have poured our hearts and our donations into those States to help the people who lost their homes and livelihoods get back on their feet. And we will continue to work as hard as possible to rebuild the towns and cities that have been destroyed.

But the impacts of Katrina spread beyond the Gulf Coast States. Whether or not we got a single breath of wind from the storm, we are feeling the continued impacts of Katrina's impact in all our States in the form of high gas prices.

In Michigan we saw prices as high as $3.21 per gallon earlier this month. Prices have eased a little bit in the weeks since Katrina hit the Gulf Coast States, but consumers are still very wary. There was a quote from a Michigan resident published recently in the Detroit News that speaks volumes about consumer confidence in gasoline pricing. Mr. Tony Mapson of Detroit, upon seeing gasoline priced at $2.69 per gallon, said, ''Maybe it is a con. They raise the price so high and then lower it so we don't complain so much.''

I think Mr. Mapson speaks for many Americans who distrust the price they are given at the pump. This is the reason I included a provision in the energy bill, which was signed into law on August 8, instructing the FTC to investigate gasoline price gouging. There has been some disagreement about when the FTC needs to finish their investigation under the law. It was my intention that the investigation should be started immediately and the FTC should complete it and report the findings back to Congress within 90 days of enactment. The FTC interprets the law to mean that they have 90 days to begin their investigation. As of today, it is has been 37 days since my price gouging provision became law. I strongly urge the FTC to immediately begin their investigation as directed by the Energy Policy Act and include the provisions in the amendment we are offering to the Commerce-Justice-Science appropriations bill. We must have the results of the investigation as quickly as possible so that we can take any necessary actions.

I strongly urge all of my colleagues to support this amendment.

AMENDMENT NO. 1710

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for her tireless leadership in the fight against meth. Meth abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement an important ally.

Accepting her amendment to add $20 million to the hotspots program brings funding for meth State and local law enforcement to $80 million. Coupled with the bipartisan addition of $43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle.

Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responders on the front lines of the meth epidemic everywhere. These crime fighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciate her work to improve this bill, as do countless law enforcement officers across America.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as the ranking member of this subcommittee, and also as a cosponsor of the Pryor amendment.

First of all, I thank the Senator from Arkansas for offering this amendment which would give $1 million to the Federal Trade Commission to investigate whether there is some type of price gouging, price fixing, going on in the marketplace.

I thank the Senator for his leadership and the fact that he wants to proceed on the basis of fact and not just rhetoric and finger-pointing.

We thank the Senator from New Mexico, the chairman of the Energy bill. This has received bipartisan support, exactly what we need. Boy, do we need it.

We in Maryland are hot. We are absolutely hot about these gas prices. Maryland has the third highest gas prices in the United States of America. Who are we behind? Are we behind California with complicated environmental rules? No, we are behind the District of Columbia, and we are behind New York. No one can say why. Our Governor convened a special meeting of oil executives to tell him why, and he is dissatisfied. Our general assembly is working on it to see if there is something we can do at the State level.

There is clamor for getting rid of the Federal or State taxes. People want the prices to come down.

We want to know, is there gouging? Is there fixing? We want to operate on the basis of fact.

In my home State of Maryland, my cost of commuting has gone up $30 a week. I can afford it, but many Marylanders cannot. I saw on a local TV station a mother who filled up her minivan, a soccer mom. It was $90. She put her head on the windshield and cried; how could her family afford it?

We see the variance in prices, block by block; in one neighborhood gas is selling for $3.49 and less than 5 miles away, in Baltimore City, it is selling cheaper. Go to another pump further out in a valley situation and it is selling for $3.63. Guess what. Over in another neighborhood, it is selling for $3.03—a 60-cent-per-gallon difference. Can anyone tell me what it is about the marketplace that it is 60 cents difference? Who is pulling the strings?

The consequences are severe. If you have a family and are a commuter, you wonder how you can continue to be a soccer mom and a dad and go to work every day.

Business in my community is affected, big and small; small businesses, from the florist who delivers the flowers, to the pharmacist who is willing to deliver prescription drugs, to the electrician, to the plumber using a pickup.

Much of our food supply comes by truck to our supermarkets. They will have to charge more. It means food is going to go up. People love Maryland and love our crabs, but our watermen are aghast to take the boat out. It is costing a fortune. Marylanders want to know the facts.

I am pleased to join with the Senator from Arkansas. This has been a bipartisan agreement. This will move it forward. Let's fund this at the FTC. Let's get the investigation underway and get ahold of the gas prices affecting so many Americans.

I thank the chairman of the subcommittee, Senator SHELBY, for his patience while we worked so assiduously on the bipartisan agreement.

I ask unanimous consent the Pryor-Mikulski amendment be agreed to.

Mr. SHELBY. Mr. President, I take a minute and commend the Senator from Arkansas, Senator PRYOR, for his leadership and for reaching out to the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and Senator MIKULSKI and Senator TALENT, and so many others. This is a bipartisan approach. Senator PRYOR is the leader.

Nobody likes gouging. Gasoline is too high. We want the markets to work. If market forces work, there won't be gouging. It will be an orderly movement of supply and demand—if the demand is too high, the prices will go up, but not like that, not like I have seen it at the pump, as we have seen coast to coast.

The American people fear there is gouging going on. Senator PRYOR should be commended for pursuing this issue. We hope the Federal Trade Commission will do its work. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1703), as modified, was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1652, WITHDRAWN

Ms. MIKULSKI. I will talk about another amendment from the senior Senator from Arkansas. I ask that Lincoln amendment No. 1652 be withdrawn because that policy content will be accomplished on another bill.

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

AMENDMENT NO. 1669, WITHDRAWN

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent my amendment, No. 1669, be withdrawn.

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

Mr. SUNUNU. I thank the ranking member and the chairman of the subcommittee. We tried to work out an accommodation on the amendment. They made a good-faith effort, and we were unable to do so.

I also want to let the chairman and the ranking member know that the amendment I had filed dealing with eminent domain will not be offered. This is a very important issue. I do not believe government should be able to take private land for the purposes of private economic development. People are well aware of the case this deals with. It is of grave concern to a lot of Members. The chairman of the Judiciary Committee indicated they will have hearings on this matter next week. I look forward to a full discussion of the case and the issues associated with the taking of private land. I want the chairman and the ranking member to know I will not offer that amendment that has been filed.

Ms. MIKULSKI. I thank the Senator for his withdrawing of the amendment yet maintaining his stand. I, too, am sympathetic to the policy direction the Senator is interested in under eminent domain.

The Senator might not know my history, but I got into politics fighting a highway. Had the recent Supreme Court decision stood, we would not have had a fighting chance. Just to tell the consequences of that, the highway would have gone where our Inner Harbor is; it would have gone through Camden Yards, the Ravens Stadium, and where we are trying to create the digital harbor. We got our economic development but not the way the planners wanted.

I am sympathetic. It has raised some liberal eyebrows, but I look forward to working with you, and maybe we will have a Sununu-Mikulski amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1709

Mr. TALENT. Mr. President, I rise to congratulate the Senate on having just agreed to the Unsolved Civil Rights Crime Act in the form of an amendment, the Talent-Dodd amendment. I will speak a few minutes about it. My friend from Connecticut also will make a few comments about this amendment.

The Senate's action will be viewed, if we can get it agreed to by the House, as a historic moment, a blow in favor of civil rights and finding out the truth in cases that have been covered up for years, in a sense, but are still there.

Let me briefly address the merits of the amendment that the Senator from Connecticut and I have cosponsored before the Senate. The bill creates an unsolved civil rights crime section of the Civil Rights Division, a cold case section of the Civil Rights Division, the sole purpose of which would be to investigate unsolved murders that were a violation of the civil rights laws at the time they occurred and have never been solved. Many cases, particularly the cases that occurred in the 1940s, 1950s, and 1960s, were not solved because they never were investigated and because no effort was made to solve them.

Currently, the Civil Rights Division does investigate those cases. We certainly applaud the efforts both of the Civil Rights Division and in many cases of local prosecutors who have cooperated. We are not suggesting the Civil Rights Division is not trying to investigate those cases now. In many instances, they are.

This is what we are hearing from advocates and family members of those who have been murdered in the past. They tell us they are working with the Justice Department and in many cases are pleased with their response. But what we do not have is a regularized, systematic commitment on the part of the Government to find the truth in these cases. We do not have a set of people who are dedicated to doing that and nothing else.

We think it is very important to do this for several reasons. In the first place, a section of people who are dedicated to that task will develop a forensic expertise in investigating those kinds of cases that you are not going to get if you occasionally investigate them but do not do it on a regular basis.

In the second place, we think once the section exists and it becomes known to the public, it will encourage people to come forward with information, people who might have been afraid to do so to this point, but they will know this Unsolved Civil Rights Crime Section is there, this cold case section is there. They will contact that section and give them information about past offenses and tragedies.

Finally, we think the existence of this section will cause those who committed these crimes—and in some cases who are still walking around in the belief they are beyond justice—to not rest easy anymore. As my friend from Connecticut has said, we want them to sweat. We want them to know the Government is trying to find them, that there is a section of the Government that is out to get them for the murders they may have committed 40 or 50 years ago or for which they may have been complicit, for which they may have believed they were safe from investigation. So we think there are a lot of advantages to this section.

I will say a little bit about the history of it. I was having a discussion with a man named Alvin Sykes. Alvin is a nationally recognized civil rights advocate from Kansas City, who has been very active in getting the Emmett Till case from mid-1950s reopened, trying to achieve justice in that case. We were talking about that investigation. We were working on that issue. He said: Why don't we have a regularized procedure for looking at cases such as the Emmett Till case?

This was the case of a young man from Chicago who went to visit his uncle in Mississippi. He was kidnapped, beaten, murdered, and his body was dumped in the river because he had allegedly, the day before, whistled at a white woman. The two men who were responsible for that were tried actually, but after about 60 minutes of the jury's deliberations, they were acquitted. They subsequently had interviews with national magazines in which they basically admitted their complicity, admitted their guilt, and they were never prosecuted. They died, unfortunately, without being brought to justice. But there are others maybe who were complicit who could be brought to justice. There are a lot of those cases out there such as this. We believe a section such as this will bring them to light and do justice.

Mr. Sykes said: Why don't we have a section like this? There is not any reason we shouldn't.

So the bill creates this cold case section, if you will, of the Civil Rights Division, requiring they investigate these murders and requiring they report back to the Congress. In some cases they will find the truth and be unable to prosecute anybody, but at least they will uncover the truth and be able to report back and tell us that. Or if they have not been able to uncover the truth, at least they will do their best, at least we will have done our best, even at this late date, to achieve justice in these cases.

I think that is very important for two reasons. The first reason is, when you talk to the family members of those who were victimized, those who were in these cases, you realize that the fact the case was 40 or 50 years ago does not mean it has been forgotten. These family members have been unable to reach closure on these cases. They have been unable to put them behind them and move on because there is this tremendous tragedy that occurred where they lost somebody because of a vicious crime. They feel as though the rest of society has not taken an interest in bringing the criminals to justice. We have a chance to allow these family members to find out the truth, and to move on in their own lives. We owe them that. The country owes them that.

The country needs closure as well. We need to know what happened, and we need to know, as a country, that we did the best we could in a systematic and planned way to find out the truth in these cases, to bring those to justice where justice is possible, and to mourn with the survivors of these victims, to know the truth, and then be able to pull together and move forward. This bill allows us to do that.

I thank very much the managers of the bill on both sides of the aisle, as well as Senator SPECTER and Senator LEAHY for their support. We have not gone through the Judiciary Committee in doing this, but everybody felt it was important to get this done, and that this was the bill we could use as a vehicle for doing it.

I think there are a lot of people around the country who have been working tirelessly to get these cases reopened for whom this is going to be the most encouraging news they have had in a long time.

I hope my colleagues will take satisfaction in having done a very good thing and having struck this blow for justice, struck this blow for having an opportunity to close these cases and move forward.

Mr. President, I yield the floor and defer to my good friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend my colleague and friend from Missouri. He is a tireless fighter and a persistent advocate. Under normal procedures we would not be adding a proposal such as this to an appropriations bill. Therefore, I must begin by expressing our sincere gratitude to the Chairman and the ranking Democrat of this subcommittee on appropriations for both of their willingness to accept an authorizing bill of this nature. Their willingness to accept what I think is a very sound and good proposal by the Senator from Missouri, myself, and others who have joined in this effort, is something for which we are very grateful. I thank them for their willingness to entertain this proposal and to accept it as an amendment to this bill.

There are those who would say this amendment is a case of ''too little, too late.'' In some ways they are right. Where is the justice, I suppose, when a moral monster such as Edgar Ray Killen roamed free for literally decades after killing young civil rights workers in this country? That fact alone speaks to the excusable failures of our legal system to bring to justice those who committed brutal crimes.

As the Senator from Missouri pointed out, not that many years ago these crimes were rarely investigated in parts of our country. There was no effort made whatsoever to determine who engaged in these brutal violent acts. In more recent history, of course, we have seen a strong effort. I applaud those who engage in this effort.

The Senator from Missouri and I believe there is a good justification for dedicating an adequate amount of resources with some special designation to go back and reopen the books. Those who engaged in these activities, who think they never have to worry another day in their lives about being pursued, take note—take note that you may never and should never have a sleep-filled night again, that we will pursue you as long as you live, that we will do everything in our power to apprehend you and bring you to the bar of justice.

That is the message we want to convey to the families, the friends, and others who lost loved ones, who put their lives on the line by advocating a greater justice, helping our Nation achieve that ''more perfect union'' that our Founders spoke about, that Abraham Lincoln articulated brilliantly more than a century and a half ago.

That is at the heart of all this—to try to level this field. We will never be a perfect union, but each generation bears the responsibility for getting us closer to that ideal.

America stands for the principle of equal justice for all. Yet for far too long, many Americans have been denied that equal justice, and many despicable criminals have not been held accountable for what they have done to deprive people of those equal opportunities. This is a failure we can never forget.

So this Senate, in this Congress, on this date, early in the 21st century, is saying that we will not forget. This amendment is on record. This amendment seeks to right the wrongs of the past and to bring justice to people who perpetrated these heinous crimes because of racial hatred. We are saying that we want to create the mechanism to allow us to pursue these wrongdoers in the coming years. It cannot bring back and make whole those who have suffered and were murdered by a racist criminal hand. But it can reaffirm our Nation's commitment to seek the truth and to make equal justice a reality.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This amendment may be the last and best chance we have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation.

We urge our friends in the House of Representatives, the other body, to accept this idea, to join with us in this late hour to right these wrongs done in our recent past.

Again, my compliments to my friend from Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here this afternoon to salute the Senator from Missouri for his tireless work on this piece of legislation and to applaud also the Senator from Connecticut who has been a leader for civil rights legislation in this country for a long time. I thank them both not only for their initiative, for thinking of this, but also for pushing it and being persistent about it. I can remember when the Senator from Missouri came to me on the floor months ago talking about it. I thank them both for giving me a chance to be an original cosponsor and for their hard work on shepherding it through the Senate in this way.

The Senator from Connecticut pointed out that it has not been that long since these crimes have happened. In my lifetime, it has not been that long. I was a student in the South in the 1950s. I was a college student at Vanderbilt University in Nashville when it was still segregated. I helped to try to desegregate it—successfully. In that same year, in the early 1960s, Congressman John Lewis was trying to sit in. He could not get a seat for lunch. In that same year, the judge on the Fifth Circuit Court of Appeals in New Orleans for whom I worked a few years later, Judge John Minor Wisdom, had ordered Ole Miss to admit James Meredith.

In those years, when African-American families drove through Nashville, if they were sick, they could not be admitted to many of the hospitals; if they needed a place to sleep, they could not be admitted to many of the motels; if they needed a place to eat, they could not go to many of the restaurants. That was the life then. That was not that long ago. Many families

throughout the South, as well as other parts of the country, but throughout the South, lived in fear because of that climate.

The Unsolved Civil Rights Crime Act will help heal some of the scars that have been left on our society in the wake of the civil rights struggle.

This past June, shortly after Edgar Ray Killen was convicted for the 41-year-old murder of three civil rights workers, the Nashville City Paper ran an editorial that summed up why resolution of these cases is so important, and why this legislation by Senator TALENT and Senator DODD is so important. The editorial concluded:

> As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best apology any of us can make for their crimes.

This is not leadership by lament. This is leadership by action. I commend the Senate for taking such positive steps toward recognizing and rectifying these injustices.

This action is a reflection of one of those aspects of our Nation's character that distinguishes us in the world. We dedicate ourselves to high ideals. We have since our very beginning. Sometimes we have failed to live up to those ideals. But when we do, we have most often recommitted ourselves and taken action to correct our shortcomings. Therefore, we abolished slavery. Therefore, we granted women the right to vote, even though it was after many years. Therefore, we desegregated our schools. Today we shall add to that litany that we have taken steps to bring to justice criminals of the civil rights era. Justice delayed is justice denied. Today we see to it that justice will be delayed no longer.

I am proud to be a cosponsor of this legislation, and I look forward to the day when this new office opens its doors in the Department of Justice.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the continuing scenes of the suffering and devastation in New Orleans and across the Gulf Coast weigh heavily on our hearts and minds. It is clear that as a nation we have a monumental challenge ahead of us to rebuild and restore one of America's most unique and important regions. There is the challenge of repairing and replacing the physical infrastructure of a number of cities, including the great city of New Orleans. There is also the challenge of restoring jobs and income and opportunity and hope to hundreds of thousands of desperate and displaced people.

Hurricane Katrina did more than rip the roofs off buildings along the Gulf Coast. It also ripped off the mask that has covered up the plight of millions of working Americans who live in poverty, as well as nearly one out of every five American children who are now growing up in poverty. Too often the poor are out of sight and out of mind. Katrina changed that. Hurricane Katrina opened the eyes of people all across this country. The poor are now in sight and on our minds. Americans are shocked. Frankly, we are ashamed that such desperation and deprivation could exist on such a large scale in the wealthiest nation on Earth. Americans expect more, and we deserve more.

Those of us who are working in the cool air-conditioned buildings of Washington have to take a long, hard look at the priorities and choices that have contributed to a situation where Americans, moms and dads, husbands and wives, people of all walks of life, work hard but still are unable to make ends meet and still live in poverty. One might think that we would be so embarrassed about these misplaced priorities that have contributed to this situation that we would change course, that we would do all we can to support those who work hard to make ends meet.

One would think that reordering priorities would be especially important in our efforts to rebuild the Gulf Coast, to restore jobs and create new opportunity, get income into people's pockets so they can rebuild their lives and jump start the local economy.

Unfortunately, as if we had learned nothing at all, one of the very first actions taken by President Bush in the wake of this storm was to issue an executive order suspending the Davis-Bacon Act, the Federal law that requires employers on Federal projects to pay employees the prevailing wage of that area. This is a law that has been supported by every President since Franklin Roosevelt, Republican and Democrat.

Even more disturbing, if press reports are to be believed, the President is apparently planning to compound the damage by also rescinding what is known as the McNamara-O'Hara Service Contract Act which contains similar wage protections for employees working on Federal service contracts. It is a law that goes back over 50 years.

Until now, I have muted my voice. I have not criticized the President nor anyone else on what has happened in New Orleans and what happened in the wake of Katrina. I have said that the time for that would come later. For now, it is time to get food and shelter and clothing and health care to the people so devastated. That is why I am so disappointed with this action by the President which will negatively impact workers' wages. So, while we need to set up a separate commission to look at what happened in the aftermath of the hurricane, why the planning was not done, why so much suffering and death before poor people were moved to places of safety, the fact is things are now moving ahead.

With the stroke of a pen, the President is going to remove the requirement for the prevailing wage to be paid for workers in this region. If press reports are to be believed, he is now going to compound it by rescinding the McNamara-O'Hara Service Contract Act that would apply that prevailing wage to Federal service contracts.

This is exactly the wrong way to put the Gulf Coast region back on its feet. Louisiana, Mississippi, and Alabama already have low wage levels compared to the rest of the Nation. For example, the current prevailing wage in the New Orleans area for a truck driver working on rebuilding the levees is $9.04 an hour. In the New Orleans area, the prevailing wage for an electrician is $14.30 an hour. Think about it. That comes to an annual income of barely $18,000 a year for a truck driver and about $28,000 a year for an electrician working full time. It is hard enough for a family to rebuild their lives in that devastated area at that income. Why in the world would the President want to slash that income, especially at this time?

Let's look at some more of the workers who would be negatively impacted by this action. We are talking about sheet and metal workers in Pearl River County, MS, who currently make less than $19,000 a year. That is their prevailing wage. We are talking about carpenters in Mobile County, AL, who currently make less than $20,000 a year. We are talking about laborers in Livingston Parish, LA, who make less than $20,000 a year. At this time, why would we want to cut their already meager income? These are the very workers we will be counting on to rebuild the highways and bridges, reconstruct houses and schools and hospitals, get our electricity up and running again in all those areas. These are the workers who will do the hazardous waste cleanup. Their wages are already barely at the poverty line. The President's actions will drive those wages down even lower.

Given the conditions these people will be working in—areas rife with bacteria and mold, chemical contaminants—we ought to be giving them a wage premium to work in these areas. Instead, the President's action will give them a wage cut. This policy fails the basic test of fairness and equity. Is the President calling for a cap on executive salaries? I haven't heard him call for that. Is there any effort to see if the companies involved in the cleanup and rebuilding would be willing to accept less than the normal profit? I see that one of the first no-bid contracts let was to Halliburton.

We know who the former president of Halliburton is: Vice President DICK CHENEY. We know that one of the chief clients of the former head of FEMA, Mr. Albaugh, who now has a consulting firm, is Halliburton. We know that Mr. Albaugh's hand-picked successor, Mr. Brown, was the head of FEMA when they gave the no-bid contract to Halliburton. It sounds like a sweetheart deal to me. Is the President calling for a cap on profits earned by those companies? Of course not. So why in the world is the President singling out low-income workers in that area and saying: We are not just going to put a cap

on what you make. We are going to lower prevailing wage. We are going to take it away. Why is he cutting their pay at a time when we should be trying to boost income and give a helping hand to people in this area?

For the life of me, the more I think about this, the more I read about it, I don't get what the President is trying to do. They have a prevailing wage. He is saying, you are not going to get that. What happens when you don't have a prevailing wage in a desperate situation? There is always somebody worse off than you that will take a job at less pay. There is always somebody a little bit more desperate. So if the prevailing wage for a truckdriver was $9 an hour, if there is no prevailing wage, the company could come in and say: Anybody want a job for $8 an hour? Someone says: Yes, I will take it for $7. Someone else will say I will take it for $6 because I am so desperate. I need work. I need income.

You end up with a race to the bottom on the wages these jobs pay if you don't have that prevailing wage. That is precisely what is going to happen in New Orleans and the Gulf Coast region. It is a blow to the workers who have already lost their homes. Many have lost jobs, families disrupted, coming back to clean up the mess in their neighborhoods. Now they are being told their wages are going to fall. Think about this. Before Katrina, a truckdriver would be making $9.04 an hour. Post-Katrina, they will get less money. Can someone please explain to me what sense this makes? Pre-Katrina we pay you more for the work you do; post-Katrina, we are going to pay you less.

I say to the President of the United States: You are going to be on television tomorrow night to talk about the cleanup effort. Please explain to the American people why it is you took away the prevailing wage for workers. Explain why it is necessary for them to make less now than they made before. Explain why it is necessary to cap their wages, but we don't cap the profits of the companies doing the work. We don't cap the executive salaries of the executives of those companies.

This is devastating. I have held my criticism of the President, but this is unconscionable. This is not right. It is not right for individuals, and it is foolish economic policy for a region that we are trying to get back on its feet. FEMA is already signing scores of contracts for vast sums of money. The question is: Will a fair share of this money work its way down to the ordinary laborers who do the dirty, hazardous jobs of cleanup and rebuilding? Or will it mostly go for executive salaries and corporate profits? Certainly, we do not want a replay of Iraq, where billions of dollars in contracts have been awarded, enriching people at the top, but with precious little trickling down to ordinary Iraqis to put income in their pockets and encourage a grassroots economic recovery.

Surely we can learn from the mistakes we made in Iraq where we just threw billions of dollars to these companies, and not much of it got down to the people in Iraq. Surely we can learn from that and not repeat those mistakes in the Gulf Coast.

The good news is that it is not too late for the President to correct this misdirection. We are still at the beginning of our response to the devastation of Hurricane Katrina. As we saw when the FEMA Director was reassigned earlier this week and has since left, of course, the President and his team have shown a capacity for shifting gears and making midcourse corrections. That is fine.

Tomorrow night, the President needs to take a second midcourse correction in the strongest possible terms. I urge the President to use his prime-time address to the Nation to reverse course and reinstate the Davis-Bacon protections for the Gulf Coast region.

I also urge the President to put in place a network of auditors and overseers to ensure that the billions of dollars going to Katrina relief is spent effectively, that the lion's share is used to restore and create jobs, to boost incomes, to spark a bottom-up economic recovery and revival all across the devastated region.

There have been numerous articles written in the days since Katrina hit the Gulf Coast underscoring how shocked Americans are to see with our own eyes the poverty and the deprivation that unfortunately still exists on a large scale in the wealthiest Nation on Earth. We need to address the issue of poverty in this country. We knew before Katrina struck. We saw the data. The U.S. Census Bureau issued updated poverty data showing that 37 million live in poverty—13 percent of our population. Since 2001, 4 million more Americans have fallen into poverty. Nearly 5 million more Americans are without health insurance. And worst of all, poverty is increasing sharply among the working poor, people who have full-time jobs. The Census Bureau's numbers show that over the last year alone, the number of Americans who work but live in poverty increased by 563,000 people—over half a million. Meanwhile, the latest Census numbers show that over the last year, real median earnings fell by nearly $1,000 for male workers, more than $300 for female workers.

It should offend our basic sense of fairness to know there are any Americans working full time, playing by the rules, and still living in poverty. Once again, it is not too late to act. Katrina can serve as a wake-up call to all of us to reorder our priorities, as I said earlier.

Before Katrina, people in the Congress, the leadership, the Republicans in Congress were poised to slash food stamps and Medicaid for the poor at the same time that we were supposed to get a bill to eliminate the estate tax and extend other tax cuts for the wealthiest Americans. Prior to Katrina, their agenda consisted of coming back here and cutting food stamps, cutting Medicaid for the poor, cutting estate taxes, giving more tax breaks to the wealthiest Americans. Let's hope Katrina has been a wake-up call that these are misordered, wrong priorities. They would have been misordered before Katrina, and they are glaringly misguided in a post-Katrina America. We should be focusing on initiatives that lift people out of poverty, not slashing programs that provide health care and food support to working families.

We must increase the minimum wage, which today is not even a living wage but a poverty wage. We need to increase education and job training opportunities. We need to be making college loans and grants more widely available and cheaper. We need to be strengthening the ladder of opportunity that allows people to achieve their own American dream. We cannot do that if we keep doing what we have been doing—if we keep cutting taxes for the wealthiest of Americans, then turning around and compensating for the deficit created by those huge tax loopholes by slashing food stamps and Medicaid and taking away the prevailing wage for workers in the Gulf Coast region.

I close my statement by, again, calling upon President Bush to do a midcourse correction. I don't know who advised you, Mr. President, to use your pen to cut the prevailing wages for our workers in the Gulf Coast region. Whoever advised you, they were wrong. Now is your time to do a midcourse correction. Tomorrow night, when you address the Nation, Mr. President, tell the American people that you are going to reinstate the prevailing wage for our workers in the Gulf Coast. In fact, give them a premium for all the dirty, hard work they'll have to do. And then don't suspend the act that also provides a prevailing wage for our service workers because they are going to be doing a lot of the hard work also in cleaning up the mess in New Orleans and around the Gulf Coast region.

It would be a terrible thing if we take hard-earned taxpayers' dollars that we are committing to rebuilding the Gulf Coast region, to rebuilding the economy and helping people rebuild their lives—it would be a slap in the face to the American taxpayer if we allow that money to go disparately into the pockets of the executives of the companies that get all the contracts, and in turn cut the wages of the workers who will be physically doing the hard work and the heavy lifting. That is not the America that we want post-Katrina.

Mr. President, tomorrow night, do the right thing: change your course.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, Hurricane Katrina may be the worst natural disaster in my lifetime, maybe in modern memory. The stories that come back from that hurricane and that disaster are so touching. Today, a man was rescued in his home. It was reported in the news that had he gone another day without water, he would have died. It is amazing that he survived through these weeks since Hurricane Katrina struck.

Senator MARY LANDRIEU, our colleague from Louisiana, came back with so many real-life stories that were so touching. There is one she told me and several others that I repeated back in my home State of Illinois. It is an amazing story about a 65-year-old woman who was living alone in a simple house in New Orleans and had nowhere to go and no way to leave. She thought her little house, which had been through an awful lot, could take whatever God would give, and she was relieved when the hurricane skirted around New Orleans.

Within hours, of course, disaster struck in the form of a flood. She told MARY LANDRIEU, who found her in one of the hospital facilities, that the water just came rushing in, first 4 feet of it, and then more. As it was rising, she was wondering where she would turn. She went through her house and thought maybe, just maybe she could crawl up into the attic. She set a stepladder up in her kitchen, but she did not have the strength to move from her stepladder up into the attic. She could just barely get her head up into the attic. The water rose to the ceiling, to her chin, while she was standing on that stepladder. She stood on that stepladder for 2 days. She told MARY LANDRIEU that she kept wondering why the level of the water was changing every once in a while. Of course, it was the tidal flow of the water from the Gulf of Mexico, the tidal flow in her kitchen.

Finally, one of her neighbors thought about her, came and helped her out, and the two of them scrambled up to the roof. With a little help, she survived to tell the story.

She told MARY LANDRIEU that in those dark hours, standing on that ladder with water up to her chin, she survived on faith, faith in God but faith in the belief that someone would come to help her.

For many people in New Orleans and Mississippi and Alabama and throughout the State of Louisiana, that someone was our Government. People knew that at the worst moments they could count on our Government to be there because our Government is our American family and we do pull together. When one part of our family is in distress, we pull together to help. And she waited and waited and waited.

A doctor I met in Chicago on Friday at one of the evacuee centers happened to be in New Orleans on Monday when the hurricane and then the flood hit. He said he didn't see his first rescue worker until Thursday in the city of New Orleans. He was lucky. He was on high ground in a hotel—a doctor. He really became the head of a small hospital in that hotel.

Something awful happened as a result of this hurricane. Too many people were left behind. Too many people were let down. The most vulnerable people in America didn't have their Government, their American family standing there to help them in their greatest hour of need.

For a long time there was a political exchange back and forth in Washington: Who is at fault? Who made the mistake? The talk shows, the talking heads, all of them had an opinion. The White House said: Don't get involved in a blame game. That was their phrase. Many others said it really wasn't the Federal Government's fault, it was this, it was that. It went on and on.

Senator MIKULSKI, who just came back to the floor, managing an important bill, was one of the first, if not the first, who came to the floor and suggested the head of FEMA should move on to another job.

Senator MIKULSKI, thank you for your leadership. He is gone. I joined her in that chorus. Whatever Mr. Brown's qualifications were, they were not up to the job of handling this natural disaster.

The President came out within the last day and conceded the fact that he had not met his responsibility to the American people in Hurricane Katrina. That is an important admission on his part. I think, once having conceded that point, we can move forward.

I come to the floor now because the Senate missed an extraordinary opportunity to move forward on a bipartisan basis today. There was an amendment offered by Senator HILLARY CLINTON of New York, who certainly knows about disasters, having lived through 9/11 with her colleague, Senator SCHUMER. Senator CLINTON came to the floor today and said: We learned a lesson on 9/11 that if you really want to get to the bottom of what failed in Hurricane Katrina and what we can do to repair the damage in the future, to make certain that the American Government and the American family stand behind its most vulnerable members, we need an independent 9/11-type commission, a bipartisan commission that will take an honest look. Don't load it up with Congressmen and Senators who may have some political axe to grind but make it truly independent.

It worked for 9/11. The two men who were chosen, Gov. Tom Kean, former Republican Governor of New Jersey, and Congressman Lee Hamilton, former Democratic Congressman from Indiana, did an extraordinary service for our country. Their analysis of 9/11 led to the most significant intelligence reform in modern history in our country, and it passed with an amazing, strong, bipartisan vote, thanks to the exceptional work of Senator SUSAN COLLINS, a Republican of Maine, and Senator JOE LIEBERMAN, a Democrat of Connecticut, and Congresswoman JANE HARMAN of California. They all came together with this intelligence reform that grew out of this independent commission.

Senator CLINTON came to the floor today and said it worked well for America's greatest terrorist attack. Let us apply the same concept, the same model for this Hurricane Katrina disaster.

We had a chance on a bipartisan basis to rise to the occasion today, and we failed. We failed to pass the Clinton amendment. On a partisan rollcall, Senator CLINTON's call for an independent commission was rejected. Why? Why? When you consider the devastation of this hurricane, when you consider the billions of dollars that need to be spent now to bring back these communities and the families and the lives, why, when we know that we want to be prepared tomorrow, God forbid, if another disaster strikes? Why wouldn't we follow Senator CLINTON's suggestion? Why wouldn't we create this independent, bipartisan commission that can get to the heart of the issue?

The American people want this, and the Senate rejected it on a partisan rollcall today. That is truly unfortunate. Those who lived through 9/11 recently commemorated a sad fourth anniversary. The lives of those who were lost, of course, will never be reclaimed. Their memories live on. But their families have dedicated themselves, not just to preserving their memory but to doing something important for America. Those families stood behind the 9/11 Commission. They were the political force that kept that commission moving forward when politicians on both sides of the aisle found plenty of excuses to stop.

We need another group of families today. We need the Hurricane Katrina families to come forward. We need for them to say to this Senate, the House of Representatives, and this Government, we truly need another independent commission. We need their voices and we need their strength. I think with it, we will succeed.

Today, Senator CLINTON, despite her best efforts, did not succeed. But for the good and safety and security of this Nation, we must.

I look forward to returning to this issue as quickly as possible. I hope we can find a way to not only analyze what we failed to do with Hurricane Katrina but make certain we bring the relief and recovery families need and make America safe again for so many vulnerable Americans who count on our leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first I would like to thank the senior Senator from Illinois for his kind words about my advocacy.

You see, I wanted not only new leadership at home—that is why I called for Michael Brown to step down—but I believe FEMA needs a new focus. It needs a new energy. And it needs a new independence.

In the 1990s I worked to form FEMA, after Hurricane Andrew, and actually worked with President Bush (I) and Andrew Card. We started that. President Clinton came in, we kept our reform efforts up, we got James Lee Witt, and what we really focused on was, No. 1, that FEMA become independent; No. 2, that it be run by professionals—meaning emergency management, military, or even private sector people with crisis management experience because this is enormously important to saving lives, saving livelihoods, and quite frankly, being good stewards of taxpayer money. We are about to spend $60 billion, and we are into no-bid contracts? OK?

So that is why I wanted Brown to go. The President has appointed someone. I look forward to getting acquainted. I supported the commission, not to finger-point, but to pinpoint, just like the 9/11 Commission. Where do we need to reform? Where do we need to reinvigorate? Where do we need to refocus?

Yes, the President is going to look into it, and he should. Yes, the Congress is going to look into it, under the able leadership of Senator COLLINS and Senator LIEBERMAN. But I believe in independence. Frankly, as you know, I say to the Senator, just as in medicine, nothing goes wrong when you get a second opinion from outside. So that is what I hoped would happen. But I look forward to working with the President on recovery.

We have to make sure we are ready and able to respond if it happens again. Thank you for your kind words.

Mr. DURBIN. I thank my colleague.

Mr. GRASSLEY. Mr. President, last night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term. We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and the other hurricane-hit areas. We're pleased that members of the affected region join us in this effort including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package that we are announcing today will help get short-term aid to hurricane victims by encouraging food donations and the employment of displaced individuals, for example. For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property. We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority—arbitrage rebate—and enterprise-zone initiatives.

Life will never be the same for our fellow citizens in gulf region. And what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee—and there will be more in other areas where we have jurisdiction—we want the victims in all of the affected areas to know that they can count on us to create a set of measures that wit1 help return vitality and vigor to the gulf region.

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 on behalf of myself and Senator BINGAMAN that it is our 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: No. 1706.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1660

Mr. CHAFEE. Mr. President, Congress must make an immediate, thorough review of the Government's response to Hurricane Katrina and its aftermath.

As a member of the Senate Homeland Security Committee, I am committed to working with Chairwoman SUSAN COLLINS and Ranking Member JOE LIEBERMAN to ensure that the investigation is conducted in a bipartisan fashion.

We have already begun this investigation. On Wednesday, September 14, our committee held its first hearing on the effects of Hurricane Katrina and heard from former California Gov. Pete Wilson, former New Orleans Mayor Marc Morial, and former Grand Forks, ND, Mayor Patricia Owens. Each of these respected public officials have led their citizens through past natural disasters and shared their experiences with us in the hearings.

In the coming weeks, we will call in leaders from the administration and other relevant parties to determine what was done right and what was done wrong in responding to Hurricane Katrina. We intend to make whatever changes in structure, funding and personnel that are necessary to ensure that we are prepared to handle disasters—either natural or manmade—in the future.

During consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill, Senator HILLARY CLINTON offered an amendment to create a new committee to investigate Hurricane Katrina. I did not support this amendment for two reasons. First, it violated Senate rules by adding legislation to an appropriations bill. I have strongly opposed such legislative ''riders'' in the past since many of the ''riders'' have been used to undermine environmental laws. I believe that legislation should move through the appropriate authorization committees for consideration.

Second, I believe that our Homeland Security Committee is doing the necessary work to conduct a full investigation. The work has already begun. A new committee could take months to be organized and set up. The American people should not have to wait to have accountability.

AMENDMENT NO. 1670

Mr. CHAFFEE. Mr. President, I wish to speak about the Senate amendment No. 1670, offered by Senator DORGAN. Earlier today the Senate held a procedural vote on this amendment, and I want to make clear the reason for my vote.

Senator DORGAN's amendment would create a Special Committee of the Senate on war and reconstruction contracting. It is modeled on the highly successful committee that former President Harry Truman chaired during his Senate tenure from 1941–1944. That committee demanded the strictest accountability from defense contracting and thus saved our Government billions of dollars.

I agree with the aim of Senator DORGAN's amendment, and look forward to supporting legislation in the future that would establish a special committee to review war and reconstruction contracting. Given the great cost, length and importance of the war on terrorism, I think it is appropriate to convene such a special committee to ensure that taxpayer dollars are spent wisely.

However, Senator DORGAN offered this piece of authorizing legislation on an appropriations bill. The procedural vote was whether the Senate should set aside rule XVI, which prohibits such authorizing on appropriations. There is a troubling history of legislating on appropriations. From 1995, when the Senate voted in effect to over-turn rule XVI, until 1999, when the rule was established, there was a proliferation of so-called ''legislative riders'' on appropriations bills. No authorizing committee's territory is safe without firm lines clearly differentiating between authorizing work and appropriations work. Moreover, from 1995–1999 many of the riders were aimed at undermining environmental laws.

To avoid returning to this practice, I support rule XVI and its prohibition against adding authorizing amendments to appropriations bills, and thus voted to oppose Senator DORGAN's amendment. Again, I state this to make clear that my vote was to uphold an important Senate rule, and not to oppose Senator DORGAN's amendment.

AMENDMENT NO. 1688, AS MODIFIED

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that amendment No. 1688, which was submitted by Senator STABENOW, be modified with

the changes that are at the desk and, further, that the amendment be considered and agreed to with the motion to reconsider laid upon the table.

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

The amendment (No. 1688), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

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

Ms. MIKULSKI. It has been laid upon the table.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1671

Mr. SHELBY. Mr. President, I now call for the regular order with respect to DeWine amendment, No. 1671.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1715 TO AMENDMENT NO. 1671

Mr. SHELBY. We have a second-degree amendment which has been agreed to on both sides. Therefore, on behalf of Senator DEWINE, I send the second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. DEWINE, proposes an amendment numbered 1715 to amendment No. 1671.

The amendment is as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of $852,300,000, not more than 50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

Mr. SHELBY. Mr. President, I believe this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1715) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 1671), as modified, was agreed to.

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

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1662

Mr. SHELBY. Mr. President, I now ask for the regular order with respect to Sarbanes amendment No. 1662.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides. I urge the adoption of the Sarbanes amendment.

Ms. MIKULSKI. I concur.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1662) was agreed to.

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

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. 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. SHELBY. I ask unanimous consent that the order for the quorum call be suspended.

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

MORNING BUSINESS

Mr. SHELBY. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EGYPT AND MOLDOVA

Mr. MCCONNELL. Mr. President, I rise to make two brief comments regarding Egypt and Moldova.

On Egypt, the jury is still out on whether or not the recent presidential election is a meaningful step toward greater democracy in that country. To be sure, there was plenty wrong with the poll which few Egyptians were permitted to access and no international monitors were allowed to observe. President Mubarak's victory was unsurprising. It is important to encourage President Mubarak to appreciate that progress in Egypt, whether relating to freedom, economic development, or Radio Sawa broadcasts, must be judged not by words but by concrete actions. The Egyptian people deserve no less, particularly with legislative elections on the horizon later this year.

On Moldova, I am pleased that the Senate State, Foreign Operations and Related Programs Subcommittee provided an additional $3 million above the Fiscal Year 2006 budget request for that country, a mark worthy of defending in conference. Credible elections in March demonstrated that the country's political leaders are interested in European integration and increased political and economic reforms. I encourage that country to implement proposed reforms relating to the independence of the judiciary and media, transparency in parliamentary proceedings, participation in elections, local self-government, legislative oversight of the executive, and protection of human and civil rights. Such action will demonstrate the seriousness of Moldova's intentions and strengthen its partnerships with the United States and Europe.

I look forward to continued democratic progress in Egypt and Moldova.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. BAUCUS. Mr. President, I join in acknowledging the life and service of Chief Justice William Rehnquist.

His was a life of public service. During the Supreme Court's 1951 and 1952 terms, he served as a law clerk for Justice Robert Jackson. From 1969 to 1971, he served as Assistant Attorney General in the Justice Department's Office of Legal Counsel. And from January 7, 1972, to his passing Saturday, he served on the Supreme Court. Through his life of service, Justice Rehnquist has left an indelible mark on this Nation.

In 1969, on appointing Judge Burger as Chief Justice of the Supreme Court, President Nixon had said: Our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the nation than most Presidents.

President Nixon was right. And the service of Chief Justice Rehnquist was proof.

In 1971, President Nixon nominated Justice Rehnquist to the Supreme Court as an Associate Justice. And in 1986, President Reagan elevated him to the position of Chief Justice. In the history of this Nation, only 16 men have held this high office. Justice Rehnquist presided over the court as Chief Justice for 19 years. Only three men served longer as Chief Justice: Melville Weston Fuller, Roger Taney, and John Marshall.

I felt a tie with Justice Rehnquist, as he had attended Stanford University and Stanford Law School, a few years ahead of me at both schools. In another one of those quirks of history, he attended the same Stanford Law School class with Sandra Day O'Connor, who would later join him on the Supreme Court.

I was also able to observe Chief Justice Rehnquist at close range, in 1999, when he presided over the Senate sitting in the Presidential impeachment trial of President Clinton. Chief Justice Rehnquist had written a book on impeachments. But more importantly, his presence brought dignity and a much-needed sense of humor to those difficult proceedings.

At one point, he noted that a Senate rule forbids both sides in the impeachment trial from objecting to a question.

From the Presiding Officer's chair, the Chief Justice wryly observed: The Parliamentarian says they can only object to an answer and not to a question, which is kind of an unusual thing.