The House met at 10 a.m.
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, source of inalienable rights and savior and protector of Your people, as the Nation is deeply moved to compassion for the people of the gulf coast region, the President of the United States has issued a proclamation: Tomorrow, Friday, September 16, 2005, will be considered a National Day of Prayer and Remembrance for the victims of Hurricane Katrina.

Lord, we pray that Members of Congress, laying all political persuasion aside, will gather with their people over this coming weekend and be prayerfully united with those who have died, those who grieve over so many losses, and all who suffer because of this tragic event which has touched the soul of the South, so rich in spirituals, music, history, and gifted writers.

May You be praised, Lord, by all who gather this weekend in mosques, synagogues, churches, and homes to honestly pray for their brothers and sisters in need. May You be glorified in their glorious response of contributors of goods, money, and service, and by so many volunteers who wish to come to their aid.

May Your Holy Name be revered these days and for years to come by the perseverance of Americans, united to alleviate the suffering and build a future for the poor, the homeless, the jobless, and the widow and orphan. This we pray now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. Murphy) come forward and lead the House in the Pledge of Allegiance.

Mr. MURPHY led the Pledge of Allegiance

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con Res. 67. Concurrent resolution honoring the soldiers of the Army’s Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five requests for 1-minutes on each side.

HURRICANE KATRINA

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

Ms. FOXX. Mr. Speaker, many people have spent time since Hurricane Katrina devastated the Gulf coast attempting to place blame on various agencies and elected officials. I would like to take a moment to focus instead on the positive developments that are occurring down there. Day by day, we are seeing improvements, both big and small.

After Katrina, 80 percent of New Orleans was covered in water; now the flood waters have receded to 30 percent and are continuing to recede. Over the weekend, trash collection began in the city, and those who remained behind are already cleaning up their neighborhoods.

In Biloxi, Mississippi, the harbor opened for the first time since Katrina hit. The Coast Guard is now allowing limited commercial traffic, an important step in the recovery of the region. Utility companies are now reporting that around 131,000 homes and businesses are still without power, down from over 800,000.

I am hopeful that some of the other side of the aisle will set aside their partisan barbs and start focusing on the progress that is being made. Finger-pointing does not help the families who lost their homes or loved ones.

INTRODUCING THE DISASTER PREPARATION AND LOCAL ACTION NOW ACT OF 2005

(Mrs. Capps asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, Hurricane Katrina highlights the need for disaster preparedness. Across the country, everyone is asking: Are we prepared?

Every level of government is reexamining how we can make our communities more disaster resistant. In James Lee Witt’s FEMA, we had a tool to make that happen: Project Impact. This proven program brought together local leaders, citizens, and businesses to prepare for and protect themselves against the worst that nature could throw at them; and at the federal level funding worked to leverage support from private sources, multiplying their effectiveness.

Unfortunately, this administration unwisely tossed aside Project Impact and broke a model that had worked so well. Today, I will introduce legislation to bring Project Impact back to
Questions need to be answered, not to fix blame but to fix a problem. For example, how were Mr. Brown and his political deputies, all with no experience in disaster response, appointed as head of FEMA? Why did it take so long to get food and water to New Orleans? To answer them, this body should create a bipartisan commission of experts to investigate the failures and flaws in the system just like we did during 9/11, just like we did during Pearl Harbor.

Mr. Speaker, hundreds died. Tens of thousands were harmed. Billions will be spent rebuilding the infrastructure. The stakes are simply too high to not know what went wrong. Americans do not want Pollyannish speeches or a whitewash. They want answers and results. Mr. Speaker, we need a bipartisan 9/11-style commission not only to find out what went wrong but to give us recommendations to fix the problem.

CONFIRM JUDGE ROBERTS

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

Mr. PITTS. Mr. Speaker, yesterday a judge in San Francisco ruled the Pledge of Allegiance, which we just said, is unconstitutional. Again, it is disturbing how a judge can strike down a voluntary act of patriotic expression. Any reading of the founding documents reveals that the first amendment was written to guarantee the right of expression. That should allow for public displays and proper expressions of faith in the public square. It also certainly allows for voluntary expressions of patriotism. But certain judges are ignoring it.

The Constitution established the judiciary as a coequal branch of government, not as the final and supreme authority. The Senate's oversight of Judge Roberts' nomination to the Supreme Court underscores the importance of confirming judges who understand this. We must maintain the proper checks and balances which our Founders designed. It is time for Congress and the President to stand up to the courts which have seized so much power to themselves. Ultimately, the survival of our constitutional Republic will depend on it.

CALLING FOR A BIPARTISAN COMMISSION ON KATRINA

Mr. MANUEL asked and was given permission to address the House for 1 minute.

Mr. MANUEL. Mr. Speaker, in the wake of Hurricane Katrina, the finger-pointing continues. Today's New York Times reports on its interview with former FEMA head Michael Brown. In the interview, Mr. Brown blames Louisiana's Governor and Homeland Security Director Chertoff for inaction in responding to the crisis.

Mr. Brown's statements can probably be discounted as the words of a disgraced individual trying to save face, but the facts speak for themselves: government at all levels failed in the wake of Katrina's devastation. A KnightRider story makes it clear based on a 2003 Presidential directive that Homeland Security Director Chertoff is the line authority for natural disasters, yet for 36 hours he was nowhere to be found.

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look at what the failures were that led to the devastation of Hurricane Katrina, an independent commission that can look at the administration, can look at the Congress of the United States, because both bodies, both entities, made decisions.

The Republican leadership in the administration, the Republican leadership in the Congress made decisions about resources, about talent, about personnel, about the deployments and all of the rest of this.

The idea now that they can come and investigate themselves, and they alone can hold the subpoena power, is a horrible mistake on behalf of the victims of Katrina and the American people. It should be rejected, and we should have a 9/11-type commission.

RECOGNIZING THE PHILANTHROPIST MRS. PAT SEAMANS WALKER
(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize one of Arkansas’ most generous philanthropists, Mrs. Pat Seamans Walker.

Next week, Pat will be presented with the prestigious Arkansas Children’s Award. There is good reason Pat is receiving this honor. Since Pat and her late husband Willard founded the Willard and Pat Walker Foundation in 1986, she has made it her goal to improve the quality of life in communities across Arkansas.

It is impossible to list all of the donations that the Walkers have made over the years in the short amount of time allotted to me. I would, however, like to give my colleagues a brief description of Pat’s generosity.

Over the years, her foundation has given millions to educational institutions in Arkansas, millions to health care providers, community health care centers in Arkansas, and hundreds of thousands of dollars to community libraries in the Third District of Arkansas.

Mr. Speaker, the examples that I have given are just a few of Pat Seamans Walker’s gifts to Arkansas. Arkansas is extremely appreciative of her generosity. She certainly deserves this prestigious award, and I congratulate her on this honor.

COMMUNICATION FROM LEGISLATIVE ASSISTANT OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOO) laid before the House the following communication from Angelle Kwemo, Legislative Assistant of the Honorable William J. Jefferson, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 12, 2005.
Hon. J. HASTERT,
Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Arkansas. I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
ANGELLE KWEMO,
Legislative Assistant.

PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure.

The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered in order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose.

Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with or without amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervenion of one motion except one motion to recommit with or without instructions.

SIX. 2. It shall be in order at any time on the legislative day of Thursday, September 15, 2005, for the Speaker to entertain a motion that the House suspend the rules relating to the bill H.R. 3768.

The SPEAKER pro tempore. The gentleman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the custody of the bill to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is a modified open rule that provides for full consideration of H.R. 889, the Coast Guard and Maritime Security Act of 2005.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill and makes in order only those amendments that are preprinted in the Congressional Record or are pro forma amendments for the purpose of debate.

H.R. 889 was reported by voice vote from the Committee on Transportation on May 17, 2005. The bill provides for the reauthorization of Coast Guard activities for the coming fiscal year.

H.R. 889 has the strong bipartisan support from members of the Transportation Committee, and I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for again bringing legislation to the floor that has support from both sides of the aisle.

The Coast Guard is critical to our defense against terrorism and our response to natural disasters. Along the gulf coast, the Coast Guard rescued thousands of people from flooded areas in the aftermath of Hurricane Katrina. Many of these people were saved during rescue attempts from rooftops or trees.

We all mourn the loss of life caused by Hurricane Katrina, and we do not yet know what the final death toll will be. It is clear, however, that the loss of life would have been much greater without the heroic efforts of the U.S. Coast Guard.

The U.S. Coast Guard has the primary responsibility for securing ports from our oceans to inland rivers and has the job of providing maritime security across the country. Given the added responsibility of the Coast Guard in the post-September-11 world, we must ensure that the agency has the adequate personnel to maintain their readiness for both homeland security and for response to natural disasters.

It is clear that the Coast Guard faces many challenges in the homeland security and rescue missions. The GAO earlier this year that some stations need additional boats or staff to meet Coast Guard readiness standards and goals.
This legislation maintains a force of 45,500 personnel and authorizes funding for Integrated Deepwater Systems and for sustaining legacy vessels. The bill also requires a report to Congress on the implementation of the Integrated Deepwater Program that is modernizing the Coast Guard’s fleet. These actions will allow the Coast Guard to continue to meet its mission to protect the public and our economic interests in the Nation’s ports and waterways.

I would like to thank the Coast Guard and all of the members of the Coast Guard, retirees and volunteers who have worked with the Coast Guard in heroic efforts surrounding Hurricane Katrina. Their ongoing efforts and their ongoing energy that is providing the ability to rebuild and re-empower that wonderful part of our country are to be congratulated.

I would like to thank the leaders of the Transportation and Infrastructure Committee for bringing this legislation to the floor and hope that my colleagues will join me in support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. Hastings of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. Capito) for yielding me the time, and I yield myself such time as I may consume.

I rise today in support of the Coast Guard reauthorization bill. As my colleague previously noted, the rule permits Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer such amendments once they are called up to active duty from 60 to 120 days over a 1-year period.

While the increase in active personnel is certainly needed so that the Coast Guard can continue to accomplish its mission, the change highlights a growing problem facing our Armed Forces. That is, America’s all-volunteer military has become increasingly dependent upon the extended call-ups off Reserves.

The war in Iraq has indeed made recruiting more difficult for our armed services, but so have the diminishing benefits and pay we offer to our soldiers and the health care services we extend to our veterans. This Congress, so quick to wrap itself in the American flag, continues to underpay our soldiers and shortchange our veterans.

With a track record like this, who can blame a soldier for not re-enlisting and a veteran who questions her country’s commitment to her well-being now that she is out of the military?

Mr. Speaker, on behalf of this body, I thank the Coast Guard, as I am sure all of our colleagues do, for its service and commitment to the security of our great Nation. I am proud to offer my support for the Coast Guard and the underlying legislation.

Before ending, Mr. Speaker, I do want to make mention that during this time of great division and nastiness in Congress, it is commendable that the Committee on Transportation and Infrastructure was able to work on this truly bipartisan fashion. While our fellow citizens in the Gulf States begin to rebuild their lives, they should take note of the bipartisanship and cooperation that went into crafting the underlying legislation.

As the author of legislation establishing an independent commission to evaluate the Federal, State and local governments’ responses to Hurricane Katrina and with the support of more than 150 Members of this body and 75 bipartisan Senators, at least in one poll, it had been my hope that a similar willingness would have existed amongst my majority colleagues to address that issue. Unfortunately, as the American people have learned in the past 2 weeks and will find out again later this morning, no such willingness exists.

We can come together today and create an independent Katrina Commission with an equal number of Republicans and Democrats on it who will not be subject to political influence and partisanship. I implore my Republican colleagues to rise above the rancor in this body, follow the example set by the chairman of the Committee on Transportation and Infrastructure and establish an independent Katrina Commission.

The majority’s unwillingness to establish such a commission will leave us woefully incapable of reforming our current disaster preparedness and response programs. If the last 5 years have taught us anything, it is that this Congress is unwilling to police itself or the executive branch. If this critical funding, and I express my determination this program worthy of such critical funding, and I express my hope that the Committee on Appropriations will fund IDS at its authorized level.

The authorization bill also permits the Coast Guard to establish Naval Vessel Protection Zones offshore, and it increases the number of active duty personnel in the Coast Guard to 45,500. The bill also doubles the duration of time that Coast Guard Reservists may be called up to active duty from 60 to 120 days over a 1-year period.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. Delahunt).

Mr. Delahunt. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, in the course of a normal year, the Coast Guard rescues 5,000 vessels. In the last 16 days they have saved more than 33,000 lives. We have all marveled at the daring rooftop rescues, the heroism, the professionalism that they have demonstrated.

Since Hurricane Katrina hit the gulf coast, the men and women of the Coast Guard have been working backbreaking long hours, pushing themselves and their equipment to operational limits. In some cases they have used sledge hammers and axes to break through the doors to rescued residents.

They have been delivering food, water, and medicine to those in need. They have responded to 284 fuel spills. And the Coast Guard’s chief of staff, Thad Allen, has brought much needed order and structure to the relief efforts. It is truly been one of the Coast Guard’s finest hours, and all America is profoundly grateful.

What Americans do not know is that even before the destructive power of Katrina hit the gulf coast, the Coast Guard had pre-positioned a number of aircraft and ships in the area ready to launch search and rescue efforts as soon as the weather cleared. In fact,
the very first rescue occurred when the eye of the storm passed over the region, and it happens that that first rescue was from a helicopter based at Air Station Cape Cod in my district, and I am proud.

The Coast Guard was ready. But also what most Americans do not realize is that the Coast Guard operates the second oldest naval fleet in the world. Their ships and planes are so old they are euphemistically described as "legacy assets." Many of these legacy assets are riddled with structural defects, putting Coast Guard personnel and the people who call on them for help at risk, like the nine crew members who were nearly killed when their vessel taking on water because of the storm. Many of these legacy assets will have in its possession the necessary personnel and material in order to do the job to keep this Nation safe.

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

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan legislation which provides critical funding to improve our Nation's coast guard.

I think it is very timely that we are addressing this legislation today because the Coast Guard has done an exemplary job in rescuing the many victims of Hurricane Katrina; and we need to ensure that our legislative body has the necessary resources to continue their mission.

I believe all Members should be able to support this rule and the underlying legislation.

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

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan legislation which provides critical funding to improve our Nation's coast guard.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Providing for Consideration of H. Res. 439, Establishing the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 439
Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one motion to recommit which may contain instructions; and (2) one motion to recommit which may contain instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAGAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all that is intended is for the purpose of debate only.

Mr. DREIER asked and was given permission to revise and extend his remarks.

Mr. DREIER. Mr. Speaker, House Resolution 439 is a closed rule providing for 1 hour of debate for consideration of H. Res. 437, a resolution establishing a select bipartisan committee to investigate the loss of life and response to Hurricane Katrina.

The rule waives all points of order against consideration of the bill and provides one motion to recommit which may not contain instructions.

Mr. Speaker, the human suffering and physical damage wrought by Hurricane Katrina is heart-wrenching and overwhelming. We all know that very well. Lives have been lost and uprooted. Families are separated without homes and without hope.

Our initial focus has been on restoring hope and rebuilding community on the gulf coast. With great urgency Congress came together and with virtual unanimity passed legislation to fund the very important relief efforts. Over $60 billion has been appropriated so far. Also critical has been the outpouring of support and generosity from fellow Americans and very importantly from 90 countries around the world. From small businesses to large corporations, people are pitching in.

That said, as President Bush has stated, there were aspects of the immediate response to Hurricane Katrina that were not acceptable. He said that this week, and I am sure that it will be made clear in the remarks that he gives to the Nation this evening.

Already we have seen the head of the Federal Emergency Management Agency resign. Clearly, many lessons will have to be learned from what has happened. As debris is removed, water recedes and homes are rebuilt, we in Congress must now assume our very serious and consequential constitutional oversight role of the executive branch and Federal agencies so that we can find out exactly what went wrong and what went right in the early response to Hurricane Katrina.

We need to get to the bottom of what happened, when it happened and why it happened.
At the same time, we must take great care not to interfere with the ongoing Hurricane Katrina recovery efforts. Critical personnel are still on the ground and actively involved in a time-sensitive, decision-making process. Congress can help uncover a better way forward. We could not ignore the progress that is being made at this moment.

Mr. Speaker, this rule serves as the most practical vehicle by which to consider this critically important legislation. It delegates to the appropriate committees the power to take the investigation in any direction they choose, with no checks, no balances and no incentives to get real answers. They have nominated the fox to guard the hen house.

Mr. Speaker, I do not object to such a plan because Republicans would be in control as opposed to Democrats. I object to it because it is the Republican Party which controls the levers of government and, as such, manages FEMA and the Department of Homeland Security and the federal institution which must be examined.

The conflicts of interest that are present are so obvious that it is incredible anyone would deny them, but the members of the majority do not only deny them, they justify them with no evidence. They tell us that the structure of the committee is based on precedent and cite the bipartisan commission which investigated the Iran-Contra affair as evidence of this. Never mind that in that situation a Republican President was being investigated by a Democratically controlled commission, eliminating the political pressure to sweep truths under the rug.

Last night, in the Committee on Rules, they told us, rather incredulously, that nobody is better to evaluate in this body than its own Members. But the American people do not believe that. Accountability has not exactly been the hallmark of this Republican leadership.

This majority did not investigate those who concealed the Department of Health and Human Services’ real estate scandal which was worth how much the 2003 Medicare legislation that we passed would cost. It did not investigate the role of top Bush campaign contributors in writing Vice President Cheney’s energy plan. It did not investigate the Valerie Plame scandal. It did not investigate the beating of detainee Abu Ghraib in Iraq.

Why did these investigations not take place? The majority has no answer, except to remind us that this time things will be different.

Last night, the chairman did offer his personal assurances again and again that the commission would allow the Democrats to ask questions. It probably never occurred to us that we would not have been able to do that, but this is ultimately a promise that he cannot keep.

Only allowing a hand-picked group of witnesses to be questioned prejudices the investigation before it has even begun. If a true interest in a fair, open, thorough and independent investigation runs deep with my Republican colleagues, why not just create the bipartisan commission model?

That is the central question I have for my colleagues today. Why will you not support the creation of an independent commission? What are you afraid of? The American people clearly support the creation of an independent, 9/11-type commission for Hurricane Katrina.

What do you fear?

A commission controlled by the politicians of one party charged with investigating itself will face tremendous internal political pressure to eliminate embarrassing truths from the public eye, to defer blame and to hide facts. That is the fundamental truth, because we all know how politics works.

Politics, by the way, is exactly why those recent scandals I just mentioned were never investigated.

Is the creation of an independent commission an abdication of our responsibility? Absolutely not. In fact, exactly the opposite is the case. If we intentionally create a partisan, political investigation, that, Mr. Speaker, would be an abdication of our responsibilities.

The American people need answers, they need true accountability, and the only way that we can live up to our responsibility and give them answers they can trust is through an independent commission.

The public already overwhelmingly supports the creation of such an independent commission by 76 percent, and over 160 Members of this body, representing more than 100 million of our Nation’s people, have already supported the creation of such a commission through a substitute resolution by the gentleman from Florida (Mr. HASTINGS), my colleague. Its findings would not just help us to prevent another terrible disaster from taking place, they would also help our government to regain its credibility in the eyes of the public.

A Newsweek poll from earlier this week found that fully 57 percent of the general population has doubts that government officials will respond well the next time a disaster strikes. Those doubts would not be reduced until people believe that a real, independent investigation of Katrina has taken place.

But the findings of the congressional commission being proposed by the Republican leadership will be forever tainted by the pervasive public belief that details were overlooked or truths hidden for political reasons. We have plenty of evidence to believe that.

Mr. Speaker, 2 weeks ago, our government missed an opportunity to rise to the occasion when it was sorely needed. They could have been worse than we could have imagined. We cannot afford to miss another opportunity here today, and we object to the fact...
that this resolution is titled “bipartisan commission” because, truly, there will not be one.

Mr. Speaker, I reserve the balance of my time.

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

As I prepare to yield to my friend from Charleston, let me just say that the short answer to the question posed by my friend from Rochester about why we did not establish a commission, it is very clear. Article 1, section 8 of the Constitution states it, that we have to do our job. We have the responsibility to deal with this issue.

There are very important questions that have been raised by Democrats and Republicans and people from the outside community; and we, as the representatives of the people, have the responsibility to get to the bottom of this. That is what the establishment of this bipartisan committee is, in fact, going to do.

Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO). I pay tribute to my good friend and hard-working member of the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the creation of a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

As representatives, we are elected by the American people, and it is our duty to ensure that the numerous Federal agencies of which we have oversight and have been raised as an annual concern serve the taxpayers efficiently and effectively, and I think from the images that we have seen and from the reports from that area of the country, we have had serious problems.

This is a job best performed by the elected leaders of the United States. We are charged with the responsibility of oversight. We can be trusted by our constituents to find the truth.

To me who are critical of the makeup of this committee, I say to them, the United States Congress has responded in similar fashion 41 times, most recently with the formation of the Select Committee on Homeland Security in 2002 and 2003.

Mr. Speaker, we must form this bipartisan committee quickly so that the Members from both sides of the aisle can begin the vital task of finding the problems that plagued the response to Hurricane Katrina on the local, State and Federal levels. If we fail to act expeditiously and devote into finger pointing and bickering, we are putting other areas of our Nation at greater risk. Mother Nature will not wait for the United States Congress to act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. McGovern), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule and to the underlying resolution.

The Federal response to Hurricane Katrina was absolutely unacceptable. The American people deserve to know what went so terribly wrong and what we must do to make sure it never, ever happens again.

Unfortunately, the partisan committee being proposed by the Republican majority has no confidence to the American people any confidence that Congress is asking tough questions and demanding straight answers.

Apparently, Mr. Speaker, after the flood comes the whitewash.

For over 4 years, the Republican majority has refused at every turn to hold the Bush administration accountable for its mistakes. There has been no meaningful oversight, no tough investigations on any front.

Instead, Congress has turned a blind eye, and the bill we have before us represents more of the same.

The gentleman from Florida (Mr. Hastings), our colleague, has a different approach, a better approach. The commission established by his legislation would be truly independent, and its recommendations would carry far more weight. This independent commission would not rely on the 9/11 panel that was such an effective, meaningful force for change.

Because what the American people deserve at the end of this process is a document that does not necessarily agree with everything I say does not cover the President’s back, which is what the Republicans are trying to do today, but that actually helps fix the problems that Hurricane Katrina exposed.

Let me be clear, Mr. Speaker. The purpose of the commission established by the gentleman from Florida’s (Mr. Hastings) bill is not simply to assign blame. Rather, an independent commission would take a tough, honest approach to an incredibly complicated problem.

Pre-identifying vulnerable areas, strategically deploying resources, anticipating potential stumbling blocks as we prepare for disasters, these need to be the guiding principles of our national response plan. An independent commission would produce recommendations that enhance our national response plan and enable FEMA to be structured appropriately.

Furthermore, this commission will show whether or not, as I believe, FEMA lacked appropriate leadership, leadership with experience in disaster management, and then recommend ways in which the agency can be better prepared both in terms of personnel and resources. Unlike the President, I do not think Brownie did a heck of a job. An effective response to a disaster or crisis cannot happen unless the best qualified people are coordinating the efforts, equipped with the best resources.

1100

The partisan committee put forward by the Republican majority just does not cut it. Instead, it would be made up of Members of Congress, and there are three problems with that approach:

First, there are some Members whose time would be better spent dealing with the immediate recovery and reconstruction needs created by the hurricane. Second, Republican politicians would be “investigating” other Republican politicians. And, third, none of the problems we saw on the gulf coast include bad funding choices made by Congress itself.

Mr. Speaker, the Federal Government’s response to Hurricane Katrina was a national disgrace. The job of this Committee, I respectfully tell, is not to run interference for the Bush administration; it is to do what is best for the American people. Seventy-six percent of the public want an independent commission because, quite frankly, they do not trust the Republican majority to do it right. They have a pattern of sweeping problems under the rug, of turning everything into a political fight. That pattern has to stop, and we can stop it today.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and as I prepare to yield to my friend from Moore, Oklahoma (Mr. Cole), I want to say to my good friend from Massachusetts that it is very clear that Members of the United States House of Representatives do have the ability to deal with a disaster and at the same time engage in a very, very important investigatory process. As I also very importantly note that this is not going to simply be Republicans asking questions of other Republicans. As I said earlier, and I know my friend from Rochester raised this when she said it was nice of me to say that Republicans would have the opportunity to ask questions, but we know that Democrats, by virtue of this being a bipartisan committee, will be able to be deeply involved and engaged in this process as well.

Once again, I think it is important to note, as my colleague and friend from West Virginia said, that we are the elected representatives of the American people and this is our constitutionally mandated responsibility which we should not pass on to someone else.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. Cole), a hard-working member of the Committee on Rules.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of House Resolution 439 and in support of the underlying resolution.

Mr. Speaker, the minority objects to House Resolution 437 on the basis that the bipartisan committee it creates will be inherently unbalanced and unfair. One suspects that Republicans will be unfair largely because while they will have full rights of representation on the committee in question, they will inevitably be the minority on any panel that fairly represents the composition of both the House of Representatives and the other body.

It would be easy and entertaining to lampoon the consistency of the so-
called Party of the People rejecting a committee composed of the elected representatives of the American people in favor of one made up of individuals who are both unelected and unaccountable to the voters of this country, but I will not go into that.

Frankly, there are deeper issues here. The first is our faith as individuals in the efficacy of democracy itself. As the minority in this House for 11 years, I fear my friends on the other side of the aisle have lost their faith in the American people because of the choices they have made at the ballot box in recent years. Having served as a member of a seemingly permanent minority in the Oklahoma State Senate earlier in my career, I understand the frustration on which that sentiment is based.

However, as adherents to the ideals of democracy, we should trust that over time the people will get it right and that if our views are sound, they will prevail. In the meantime, our job is to act as part of the court of public opinion and accept the outcome at the polls when the verdict is rendered.

The second issue at stake here is the wisdom of empowering people who are neither elected nor accountable to form the task our Constitution assigns to the elected representatives of the American people. Frankly, I share the sentiments Winston Churchill famously voiced when he said "democracy is the worst form of government except for all those others that have been tried."

Mr. Speaker, it is fundamentally un-sound and undemocratic to turn over the function of congressional oversight to a group of individuals who have neither been elected by the people nor accountable to the people for their actions or recommendations. Appointing a commission is the easy way out. It is a way for us, the representatives of the people, to avoid our responsibilities. As members, however expert and well-intentioned, did not design or create the agencies and processes we wish to examine in connection with Hurricane Katrina. We did. Similarly, they will not be responsible for reforming these agencies. If we can find solutions to our current problems. Those duties belong to the elected representatives of the American people.

My colleagues on the other side of the aisle often complain there is insufficient congressional oversight. This is our chance to exercise that oversight, and the voters will surely hold all of us accountable for how well we do the job.

My fellow Members, let us have faith in the American people, our democratic institutions, and ourselves. Let us do the job we were elected to do, rather than hand it off to those who were neither asked nor chosen by the American people to govern their affairs. I urge support of House Resolution 437.

Ms. SLAUGHTER. Mr. Speaker, if an independent commission is an abdication of our authority, why did we all vote unanimously to establish the 9/11 Commission?

Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Florida (Mr. HASTINGS). Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. Slaughter), the distinguished ranking Democratic member on the House Committee on Rules, for yielding me this time.

A footnote right there, Mr. Speaker. I hope the irony is not lost on the House that the gentleman, a New York Member, is being lectured to about homeland security issues and why there is no need for an independent Katrina commission. New Yorkers were told 3 and 4 years ago that there was no need for an independent commission. I note peripherally that the distinguished chairman of the Committee on Rules has other business and has left the floor; but I was prepared to ask him, and perhaps his replacement in the chair for the majority can answer for himself and his colleagues how they have done in the last 3 years with reference to the tragedy of 9/11?

What we wound up doing, because the victims and New York pressed forward, was establishing an independent commission.

The chairman pontificates that we should exercise our constitutional mandate; and so does his replacement, my friend and colleague on the Committee on Rules, say what our constitutional duty is. Every one of us is mindful of our constitutional duty. But are you then prepared to admit that we did not exercise it correctly in the 9/11 Commission period and that is why the 9/11 Commission came into existence in the first place?

Last year, as we all know, four hurricanes ravaged my home State of Florida and some of the Gulf coast. Three of them literally destroyed parts of the district that I am privileged to represent. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. We saw that a once-reliable agency had been placed on the back burner as an afterthought in the Department of Homeland Security. Our constituents expected, and response programs have become trapped in a homeland security bureaucracy.

FEMA has lost its focus, and Floridians and others know that. Our delegation literally begged the committees of jurisdiction to hold hearings on what we saw in Florida. I even introduced bipartisan legislation in March with our colleagues on the majority side, the gentleman from Florida (Mr. Shays), to address what we perceived to be FEMA's shortcomings. Yet, every time we took our concerns to the committees, we were told it is not a big enough problem to consider on its own.

Our staff was told we do not think that an oversight hearing is needed.

Well, Mr. Speaker, what America saw in the gulf coast resembles the Federal Government's absolute incompetence that Florida saw last year. Despite a whole lot of lip service, nothing has changed.

The 9/11 Commission was created to provide a full and complete accounting of the 2001 terrorist attacks. Implicit in this mandate is the simple fact that Congress alone would not provide such a full and complete accounting. There is no reason to expect that the Republican Katrina commission will do any better.

That is why I and the gentleman from New Jersey (Mr. MENENDEZ) and 156 of our colleagues yesterday introduced H.R. 3764, legislation establishing a real independent commission, immune from political influence and absolute partisanship. And while they cannot officially cosponsor our bill, a majority of the American people agree with us. They question this Congress' ability to exercise real oversight and are calling for an independent and bipartisan Katrina commission.

Mr. Speaker, the American people's concerns, you, Mr. Speaker, said at one point, and I quote, "Our party controls the levers of government. We're not about to go and look beneath a bunch of rocks to try to cause heartburn." In other words, we helped create this mess, and we are not going to be able to investigate it ourselves. So forgive me, Mr. Speaker, if I question the majority's ability to conduct effective oversight with this type of political candor.

Substantively, the Republican plan is partisan. And because my colleagues say it is bipartisan does not make it so. It is inadequate. In stark contrast to the 9/11 Commission, Republicans out number Democrats by a majority's partisan Katrina commission. In contrast to the 9/11 Commission, which was given 18 months to do its job, the majority's partisan Katrina commission is only given 5 months. As the chairman put it last night, do it quick, do it fast. Quickly, he said.

Despite the 9/11 Commission's $15 million budget to do its job, the majority's commission propose is only given $500,000.

Put another way, Mr. Speaker, we are not going to be able to investigate it ourselves. What about the committees of jurisdiction already in existence in Congress? And what about creating a circus atmosphere that drains resources from this Congress do you not understand?

Shamefully, the House will not have an opportunity to vote on the Hastings-Menendez independent Katrina commission legislation, because Republicans have blocked us from offering it. Just as they always do, Republicans block what they cannot defeat.

Despite what Republicans will suggest, today's debate is not about politics. It is about the need for truth to
Mr. Speaker, when Hurricane Katrina came ashore and ravaged the gulf States and the levees in New Orleans, Americans united in their support of those in need and the communities devastated by this terrible disaster. As Katrina passed over the gulf States and in the days that followed, Americans saw firsthand the devastation and human suffering that resulted. We were also eyewitnesses to the tragedy of hundreds of thousands of people who had escaped the wrath of the terrible storm only to then be stranded in the Superdome, the convention center, or trapped on the roofs, surrounded by rising flood waters with little in the way of food, water, or medical care. Mr. Speaker, we saw and felt the ensuing heartbreak. Mothers became separated from their parents, spouses from their partners, and children from their siblings were trying to look after each other.

With the passage of time, our outrage and frustration set in. Reporters and the media managed to get to the heart of the disaster; yet there was little sign of our Federal relief efforts. Just as the American people united to aid the victims of Katrina, so too must Congress. Our constituents demand no less. They are more interested in getting answers rather than pointing fingers. They want to know that we are finding solutions and making recommendations to ensure our responses are never again at a snail’s pace.

It is time for Congress, as part of the Federal Government, and therefore an element of the relief response, to shoot straight with the American people. An independent commission, removed from the partisan fray, is better positioned to find answers. Why were we not preparing our responses to Katrina near land? Where was the coordination between Federal, State, and local efforts? There are many questions that must be answered and an independent commission is the means that can provide the answers.

We saw the successful implementation following the tragedy of September 11, and following this model Congress will reassure the American people the answers that the independent commission finds and the recommendations they make are ones in which the Nation can trust. I know my constituents are closely watching this. My hometown of Sacramento lies in a floodplain at the confluence of two great rivers and faces the constant threat of floods. If we find ourselves in dire circumstances, can my constituents be assured that they can count on prompt Federal Government response?

This is not a blame game. I am not interested in pointing fingers, nor are the American people. They are more interested in identifying areas of weakness and making the necessary improvements. This is about preventing another tragedy similar to what we witnessed in New Orleans and the gulf States. We must ensure that the Federal Government does its job of protecting the American people, and with an independent commission we will do so.

Mr. Speaker, I reserve the balance of my time.
York, but now we cannot go to my area of the country.

Now we want Congress to take charge of this investigation. For the good of the Nation, let us put aside partisan politics and not create a strawman committee. I encourage a vote against the rule so we can consider the independent commission option, give it a vote and let the American people know we are listening to their requests.
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<td>Tues, Aug. 23</td>
<td>The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates &quot;steady intensification.&quot; The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates &quot;steady intensification.&quot;</td>
<td>Three weeks before Katrina struck, state emergency managers warned Department of Homeland Security Secretary Michael Chertoff and his deputy, Michael Jackson, that the Federal Emergency Management Agency (FEMA) had focused too much on terrorism, warning that the shift away from disaster management had left the agency less able to respond to natural disasters.</td>
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<td>Wed, Aug. 24</td>
<td>Tropical Depression 12 strengthens into Tropical Storm Katrina over the Central Bahamas, and a hurricane warning is issued for the southeastern Florida coast.</td>
<td>The National Hurricane Center warns that Tropical Storm Katrina could cross Florida and &quot;re-intensify over the eastern Gulf of Mexico&quot; in the days ahead.</td>
<td>As Katrina approached, the person most responsible for directly dealing with its consequences, Michael Brown, the director of FEMA, had no disaster-related experience prior to joining the agency as a Deputy Director in 2001. His previous position was as the head of the commissioner of judges and stewards for the International Arabian Horse Association, a breeders' and horse-show organization based in Colorado. According to the President of the Association, Brown was asked to resign from his position after 11 years working there due to disputes over supervision failures. Brown was a college friend of the previous head of FEMA, Joseph Allbaugh, who had served as President Bush's campaign manager in the 2000 election.</td>
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Katrina Timeline: A History of Federal Government Failures
Prepared by the Democratic Staff of the House Committee on Homeland Security for Ranking Member Bennie G. Thompson
(updated w/ materials known as of 9-12-05)
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<td>Thurs, Aug. 25</td>
<td>4 p.m.: Katrina officially becomes a Category 1 hurricane, according to the National Hurricane Center.</td>
<td>Katrina is forecast to be &quot;a dangerous hurricane in the northeastern Gulf of Mexico in about three days.&quot;</td>
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<td>7 p.m.: Lumbering ashore in south Florida, Katrina causes nine deaths and kills power to more than 1.2 million people.</td>
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<td>In comparison, the Clinton-era FEMA Director, James Lee Witt, headed the Arkansas office of emergency services before he was tapped by Clinton in 1993 to run FEMA.</td>
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<td>11 p.m.: Hurricane Katrina came ashore with 80 mph winds between Hallandale Beach and North Miami Beach. Despite being over land for more than four hours, Katrina's maximum sustained winds are still being clocked at 75 mph.</td>
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<td>The top two aides at FEMA most responsible for assisting Mr. Brown, acting deputy director Patrick Rhode and acting deputy chief of staff Brooks Altshuler, both lacked emergency management experience before being appointed to their positions. In fact, both individuals had worked in the White House's Office of National Advance Operations, which arranges the president's travel and scripts his appearances.</td>
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<td>Gov. Jeb Bush declares a state of emergency in</td>
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<td>In comparison, Clinton-era FEMA Director Witt's top to aides both ran regional FEMA offices for at least three years before assuming senior positions with the agency in Washington.</td>
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<td>Friday, Aug. 26</td>
<td>5 a.m.: After weakening briefly to a tropical storm, Katrina regains hurricane status and moves on to the Gulf of Mexico.</td>
<td>Katrina is forecast to move directly over the warm loop current of the Gulf of Mexico, “which is like adding high-octane fuel to the fire.”</td>
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<td>11:30 a.m.: The hurricane is upgraded to Category 2, with the storm’s feeder bands continuing to pound the lower Florida Keys.</td>
<td>Forecasters say that the storm could make landfall anywhere from the Florida Panhandle to New Orleans as early as Monday, possibly as a Category 4 storm.</td>
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<td>4 p.m.: The National Hurricane Center warns that Katrina is expected to reach dangerous Category 4 intensity before making landfall in Mississippi or Louisiana.</td>
<td>Even as it make efforts to prepare to respond to the storm, FEMA works with much reduced resources. Since joining the Department of Homeland Security in 2003, FEMA’s core budget, which includes disaster preapredness and mitigation, has been cut each year. Depending on the final budget for Fiscal Year 2006, the cuts will have been between 2% and 18%. As a result of the cuts, FEMA staff have been reduced by 500 positions to 4,735. Additionally, FEMA eliminated 1 of its 3 emergency management teams, which are charged with overseeing relief efforts in a disaster.</td>
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<td>Hours later, in anticipation of a possible landfall, Louisiana Gov. Kathleen Blanco declares a state of</td>
<td>Additionally, the Government Accountability Office found that the Bush Administration has sought to spend far more on terrorist preparedness than natural disaster preparedness: “Almost 3 of every 4 grant dollars appropriated to DHS for first responders in fiscal year 2005 were for 3 primary programs that had an explicit focus on terrorism...For fiscal year 2006, the Administration has proposed spending almost $3.4 billion for homeland security preparedness grants, continuing DHS’s emphasis on terrorism and spending about 3 of every 4 dollars or about $2.6 billion for terrorism-focused grant programs.”</td>
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<td>Sat, Aug. 27</td>
<td>Katrina is upgraded to a Category 3, or major hurricane, and a hurricane warning is issued for Louisiana's southeastern coast, including New Orleans and Lake Pontchartrain, and for the northern Gulf coast. During the day, residents of Louisiana's low-lying areas are told they must evacuate; residents in other low-lying areas are urgently advised to do so. President Bush declares a state of emergency in</td>
<td>Max Mayfield, director of the National Hurricane Centre says: &quot;I've been here 33 years, and we've always been concerned about New Orleans. I had to let the mayor know that this storm has the potential not only to cause large property damage, but large loss of life if people don't make the right decision.&quot; Chris Sisko, a meteorologist at the Centre, says of New Orleans: &quot;With them sitting well below sea level, this is a potential set up for a catastrophic event that has never been seen before.&quot; Katrina is now a Category 3 hurricane on the Saffir-Simpson scale and Katrina is expected to make &quot;landfall in southeastern Louisiana in 48-60 hours.&quot; Forecasters warn of &quot;storm surge flooding of 15 feet above normal tide levels... Locally as high as 25 feet along with large and dangerous battering waves.&quot;</td>
<td>On August 27 — two days before Katrina hit — President Bush issued an order that &quot;authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts.&quot; The order specifies that &quot;FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency.&quot; Jane Bullock, former FEMA chief of staff, said, &quot;The moment the president declared a federal disaster, it became a federal responsibility... The federal government took ownership over the response.&quot; Bullock’s view is consistent with the DHS website, which states plainly, &quot;In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility... for ensuring that emergency response professionals are prepared for any situation. This will entail providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery.&quot;</td>
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<td>Louisiana. 27 Gov. Haley Barbour declares a state of emergency in Mississippi. 28</td>
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<td>Highways leading out of New Orleans are filled with bumper-to-bumper traffic. Several major interstates are converted to one-way routes away from the city. 29</td>
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<td>A total of eleven people die in Florida due to Katrina. 30</td>
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<td>New Orleans Mayor Ray Nagin declares a state of emergency and urges residents in low-lying areas to evacuate. 31</td>
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<td>A mandatory evacuation is ordered for Hancock County, east of New Orleans on the Mississippi Gulf Coast. 32</td>
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<td>Under Section 5170b(c)(1) of the Stafford Act, 42 USC § 5121, once an area reaches a state where it may ultimately quality for certain disaster assistance, at the Governor’s request, the president can send Department of Defense military units to the area “for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property.” However, major numbers of DOD ground troops did not arrive in New Orleans until a much later date.</td>
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<td>President Bush’s weekly radio address concentrates on Gaza withdrawal and the Iraqi Constitution. He neglects to mention Hurricane Katrina. 43</td>
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|      | 11:00 p.m.: The National Hurricane Center issues a hurricane warning from Morgan City, Louisiana, to the Alabama-Florida border, an area that includes New Orleans. A warning means that hurricane conditions are expected within the warning area within the next 24 hours.  
Mayor Ray Nagin of New Orleans advises people to leave the city: "Ladies and gentlemen, this is not a test. This is the real deal. Do all things you normally do for a hurricane but treat this one differently because it is pointed towards New Orleans." | | (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
<p>|      | Gov. Blanco asks the federal government to declare an emergency and help save lives and property. | | |</p>
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<td>Sun, Aug. 28</td>
<td>2:00 a.m.: The storm strengthens to Category 4 with 145-mph winds.</td>
<td>A 4pm hurricane warning says: “Maximum sustained winds are near 165 mph with higher gusts. Katrina is a potentially catastrophic category five hurricane...”</td>
<td>According to the general in charge of Joint Task Force Katrina, Louisiana and other states began asking for additional National Guard troops on Sunday, August 28. Yet, these troops do not arrive in large numbers until substantially later in the week. (note: The National Guard’s Timeline for response to Katrina claims that LA and MS requested additional forces on August 31, not August 28).</td>
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<td>7:00 a.m.: Hurricane Katrina intensifies to Category 5, the worst and highest category on the Saffir-Simpson scale with winds near 160 mph and growing.</td>
<td>Based on the size and track of the storm, computer models predict flooding across parts of the New Orleans.</td>
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<td>10:00 a.m.: As Katrina hits 175 mph winds; New Orleans Mayor Ray Nagin orders mandatory evacuations as the storm seems to beat a direct path to the city.</td>
<td>Ivor van Heerden, director of the Louisiana State University Public Health Research Centre, says: “This is what we’ve been saying has been going to happen for years... Unfortunately, it’s coming true.” New Orleans &quot;is definitely going to flood.&quot;</td>
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<td>Alabama Governor Bob Riley declares a state of emergency.</td>
<td>Jeff Hingle, Plaquemines Parish Sheriff, refers to Hurricane Betsy, a category two hurricane that struck Louisiana in 1965: &quot;After Betsy these levees were designed for a category three... These levees will not hold the water back.&quot;</td>
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<td>Lines form at gas stations and outside the Superdome, which takes in thousands of refugees.</td>
<td>Some of those unable or unwilling to leave New Orleans spend the night in shelters—including the Superdome. Approximately 30,000 evacuees gather at the Superdome with roughly 36 hours worth of food.</td>
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<td>From his Texas ranch,</td>
<td>Now a Category 5 hurricane, Katrina “is a large hurricane that will affect a large area.... Preparations should be rushed to completion.”</td>
<td>Although thousands of New Orleans residents had no cars with which to leave New Orleans before or after Katrina struck, when asked about the estimated thousands of deaths in the city, in an interview on 9/1, FEMA Director Brown, said, “Unfortunately, that’s going to be attributable to a lot of people who did not heed advance warnings.”</td>
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<td>Mon. Aug. 29</td>
<td>4 a.m.: Hurricane Katrina is downgraded to a strong Category 4 storm. 6 a.m.: Weather report warns of storm surges of 28ft and says: &quot;Extremely dangerous category four Hurricane Katrina preparing to move onshore near southern Plaquemines Parish, Louisiana... Some levees in the Greater New Orleans area&quot;</td>
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<td>On the same day Katrina strikes, President Bush calls Secretary Chertoff from Air Force One to talk with him about immigration issues. He also shares a birthday cake photo-op with Senator John McCain. In the morning he visits an Arizona resort to promote Medicare drug benefits, and in the afternoon he goes to a California senior center for a similar discussion.</td>
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About 5 hours after Katrina makes landfall, FEMA Director Brown sent a memo to Mr. Chertoff asking for permission to send at least 1,000 additional DHS employees to the hurricane impact area. According to the Associated Press, “Before then, FEMA had positioned smaller rescue and communications teams across the Gulf Coast. But officials acknowledged the first department-wide appeal for help came only as the storm raged.” Mr. Brown’s Memo acknowledges that it may take 48 hours to get the 1,000 employees to the area, and another 7
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<td>could be overtopped. ⁶⁵</td>
<td>7 a.m.: Katrina makes landfall on the Louisiana coast between Grand Isle and the mouth of the Mississippi River. ⁶⁴</td>
<td>days to get 2,000 more employees to the area. According to a DHS spokesman, “[i]nstead of rescuing people or recovering bodies, these employees would focus on helping victims find the help they needed.” Mr. Brown’s memo also told employees that they would be expected to &quot;convey a positive image of disaster operations to government officials, community organizations and the general public.&quot; ⁶³</td>
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<td>11 a.m. Katrina makes another landfall near the Louisiana-Mississippi state line with 125 mph winds. ⁶⁵</td>
<td>Late in morning the 17th Street Canal levee is breached, leading to the flooding of a “vast swath of central New Orleans.” ⁶⁶ The Times-Picayune headline on the breach (published the next day) read: “Catastrophic Storm Surge Swamps 9th Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City.” ⁶⁷</td>
<td>The DHS spokesman explained that the 48 hour waiting period was needed because the employees had to obtain training before they were sent to the area. ⁶⁶</td>
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<td>By the end of the day,</td>
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<td>Mr. Brown’s memo also stated: “We will want to identify staff with specialized skills such as bilingual capabilities, Commercial Driver’s License (CDL), and logistics capabilities.” ⁶⁷</td>
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<td>On 9/29, Mr. Brown also reminds fire and rescue services outside Louisiana, Mississippi and Alabama not to send in emergency workers unless they are specifically requested. ⁶⁸ Yet over the next few days FEMA reportedly turned down vital assistance, including the following examples:</td>
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<td>➢ Days before Katrina struck, Chicago drew up a list of resources it could provide in the event of a disaster, including 100 police officers, 36 fire department personnel, 8 emergency medical health experts, more than 130 public health staffers, 140 sanitation staffers, dozens of trucks, and two boats. As of late last week, FEMA had requested only one thing from Chicago—a single tanker truck. ⁶⁹</td>
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<td>➢ 500 Floridian airboaters were ready to help rescue people stranded in flooded homes, but FEMA turned them down.</td>
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|      | two major flood-control levees are breached, and the National Weather Service reports "total structural failure" in parts of New Orleans. A section of the roof of the Louisiana Superdome, where 10,000 people are taking refuge, opens. Many are feared dead in flooded neighborhoods still under as much as 20 feet of water. | Max Mayfield, director of the National Hurricane Center, said FEMA Director Brown and other top federal officials were briefed as much as 32 hours in advance of landfall that Hurricane Katrina's storm surge was likely to overtop levees and cause catastrophic flooding. "They knew that this one was different," Mayfield said.  
According to CNN, "Reuters reported that in 2004, more than 40 state, local and volunteer organizations practiced a scenario in which a massive hurricane struck and levees were breached, allowing water to flood New Orleans. Under the simulation, called 'Hurricane Pam,' the officials had to deal with an imaginary storm that destroyed more than half a million buildings in New Orleans and forced the evacuation of a million residents."  
In 2002, the New Orleans Times-Picayune ran a 5-part series exploring the vulnerability of the city to a hurricane, including specifically the possibility of levees breaching and causing massive floods.  
A catastrophic flood triggered by a hurricane hitting New Orleans was one of 3 disaster scenarios considered most likely to hit the U.S. by a 2001 FEMA report. | ➢ 20 sheriff's deputies from Loudon County, VA were turned down by FEMA.  
➢ FEMA would not permit the Jefferson Parish president to accept 3 tanker trucks of water donated by Wal-Mart, as well as 1,000 gallons of diesel fuel stored in a nearby Coast Guard vessel.  
In a press conference later in the week, DHS Secretary Chertoff said that the levee breach that flooded New Orleans was a "perfect storm" that "exceeded the foresight of planners," who did not expect both a powerful hurricane and a breach of levees that would flood New Orleans. He added that authorities assumed that "there would be overflow from the levee, maybe a small break in the levee. The collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."  
➢ However, "The National Planning Scenario 10: Natural Disaster—Major Hurricane,” which was used by DHS to determine what level of preparedness state, local and federal entities needed for certain disasters, included the planning assumption that the "20-foot storm surge has breached and overtopped flood control and hurricane protection works."  
➢ Additionally, National Planning Scenario 10 included the planning assumption that "Major portions of the MMA [major metropolitan area] become flooded."  
Furthermore, according to the Los Angeles Times, Lt. Gen. Carl Strock, the Corps commander, conceded on 9/3 that the government had known the New Orleans levees could never withstand a hurricane higher than a Category 3. Corps officials shuddered, he said, when they realized that Katrina was barreling down on the Gulf Coast with the vastly greater |
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<td>Louisiana and Mississippi, freeing up federal funds.⁷⁰</td>
<td>destructive force of a Category 5 — the strongest type of hurricane. Washington, he said, had rolled the dice.⁷³</td>
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<td>Officials estimate 80 percent of New Orleans residents obeyed the order to evacuate. The Coast Guard rescues 1,200 people from the flood waters.⁷¹</td>
<td>Rather than come up with the extra millions of dollars needed to make the city safer, officials believed that such a devastating storm was a small probability and that, with the level of protection that had been funded, &quot;99.5% of the time this would work.&quot; Unfortunately, Strock said, &quot;we did not address the 0.5%.&quot;⁷⁴</td>
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<td>At least eight Gulf Coast refineries shut down or reduce operations.⁷²</td>
<td>Additionally, since President Bush took office in 2001, his yearly flood control budgets have asked for $166 million for Louisiana flood control projects, even though local flood control officials and Senator Landrieu (D-LA) have asked for just short of $500 million. While Congress did not fully meet needs, it disagreed with President Bush and provided about $250 million.⁷⁵</td>
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<td>Airports close in New Orleans, Baton Rouge, La., Biloxi, Miss., Mobile, Ala., and Pensacola, Fla.</td>
<td>The overwhelming problems that occurred at a major shelter such as the Superdome should have also been prepared for, as National Planning Scenario 10 included the planning assumption that &quot;shelters throughout the region are also filled to capacity.&quot;⁷⁶</td>
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<td>National Planning Scenario 10 also included the planning assumption that evacuation routes would close: &quot;All transportation routes are damaged to some degree, and the port facility has also been adversely affected.&quot;⁷⁷</td>
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<td>Hundreds of flights are canceled or diverted.\textsuperscript{73} Carlos Gutierrez, the Commerce Secretary, calls to congratulate the National Hurricane Centre on its accurate forecasting. &quot;If that is not a superb forecast, I don’t know what is,&quot; says Mayfield, the centre's director.\textsuperscript{74} Gov. Blanco repeats a warning not to re-enter New Orleans and tells President Bush, “I need everything you got.&quot;\textsuperscript{75} Mayor Nagin orders the police to begin search and rescue operations in heavily flooded areas.\textsuperscript{76}</td>
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<td>Tues, Aug. 30</td>
<td>10:00 a.m.: Katrina becomes a tropical depression about 25 miles south of Clarksville, Tenn.\textsuperscript{94} 6:00 p.m.: Death toll in Biloxi-Gulfport area of Mississippi exceeds</td>
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<td>Despite the fact that the 17th Street Canal levee broke on Monday morning in a way that was so obvious that Times-Picayune reporters were able to research and write an extensive story on the large-scale flooding (see facts above),\textsuperscript{114} Secretary Chertoff was unaware of that breach until Monday night or Tuesday morning. In a “Meet the Press” interview on 9/4, he said: “It was on Tuesday that the levee--may have been overnight Monday to Tuesday--that the levee started to break. And it was midday Tuesday that I became</td>
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<td>100.</td>
<td>Alabama reports two fatalities.</td>
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<td>aware of the fact that there was no possibility of plugging the gap and that essentially the lake was going to start to drain into the city. I think that second catastrophe really caught everybody by surprise.</td>
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<td>More than 12,000 people are in the Superdome.</td>
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<td>Rather than taking over hurricane recovery efforts, President Bush speaks in the morning at the Naval Air Base in San Diego to commemorate the anniversary of V-J Day, though he does briefly discuss Katrina’s impact.</td>
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<td>Louisiana Governor Kathleen Blanco says everyone still in New Orleans - an estimated 50,000 to 100,000 people who remained during the hurricane must be gotten out.</td>
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<td>Afterwards, Bush plays guitar with country singer Mark Willis. At the end of the day, Bush returns to Crawford, Texas for one more night of vacation.</td>
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<td>Rescuers in helicopters and boats pick up hundreds of stranded people in New Orleans, and reports of looting emerge.</td>
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<td>A Pentagon spokesman says that although 6,000 National Guard personnel from Louisiana and Mississippi who would otherwise be available to help deal with the aftermath of Hurricane Katrina are in Iraq, the states have adequate National Guard units to handle the hurricane needs. He claims there are 6,500 available in LA, 7,000 in MS, 10,000 in AL, and 8,200 in FL, along with 1,600 Guard troops near Atlanta who could be sent if necessary. Yet security remains unstable in New Orleans until much later in the week.</td>
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<td>The New Orleans international airport is reopened for relief flights.</td>
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<td>The U.S. military starts to move ships and helicopters to the region at the request of the Federal Emergency Management Agency. The Pentagon announces it will send five ships, though four are several days away.</td>
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<td>Mayor Nagin estimates that 80 percent of the city is underwater.</td>
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<td>➢ FEMA and the Navy’s failures to better pre-positioning ships – or at least dispatch them earlier – violate two key principals in the National Response Plan, which state:</td>
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| New Orleans is left with no power, no             |                                                                                                 |                                                                                                 |   o Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCA establishes
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<td>drinking water, dwindling food supplies, and fires - and steadily rising waters from major levee breaches. ¹⁰⁵</td>
<td>New Orleans city hospitals flood. ¹¹³</td>
<td>protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents. ¹²²</td>
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<td>In Mobile, Alabama, the storm pushed water from Mobile Bay into downtown, submerging large sections of the city. ¹⁰⁶</td>
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<td>o Federal support must be provided in a timely manner to save lives, prevent human suffering, and mitigate severe damage. This may require mobilizing and deploying assets before they are requested via normal NRP protocols. ¹²³</td>
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<td>The New Orleans city government regroups in Baton Rouge. ¹⁰⁷</td>
<td>National Planning Scenario 10 included the planning assumption that “Many hospitals have sustained severe damage and those that are open are overwhelmed.” ¹²⁴</td>
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<td>About 40,000 people are in American Red Cross shelters, not including those in New Orleans Red Cross Shelters. ¹⁰⁸</td>
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<td>White House announces President Bush will cut short his 5 week vacation and return to White House on Wednesday, August 31. ¹⁰⁹</td>
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<td>Wed, Aug. 31</td>
<td>Governors from Louisiana, Alabama and Mississippi have called up 7,500 troops.10 Mayor Nagin evacuates the city government to Baton Rouge.111</td>
<td>Senator Landrieu, who was on the scene in Louisiana, found that just like on 9/11/01, first responders in New Orleans and other affected areas were unable to communicate with each other or city leaders. By Wednesday, she described the situation as follows: “A police chief in a city talking to a mayor in a city wasn’t happening while this was going on because their cellphones were down and their radios didn’t communicate.”141</td>
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<td>6:00 a.m.: The Bush administration says it will release oil from petroleum reserves to help cut gas prices.125 1:15 p.m.: Mayor Ray Nagin of New Orleans estimates hundreds, maybe thousands, dead in his city.126 7:30 p.m.: Mayor Nagin orders 1,500 police to focus on stopping looting instead of searching for survivors.127 Mayor Nagin calls for a total evacuation and says that some sick or ill people may be moved to the convention center.128</td>
<td>The National Response Plan (NRP) recognizes that the Department of Homeland Security has special responsibilities when there are catastrophic circumstances, such as the problems Senator Landrieu witnesses. These catastrophic circumstances include those with “significant disruption of the area’s critical infrastructure, such as energy, transportation, telecommunications, and public health and medical systems”144 National Planning Scenario 10 included planning assumptions about the difficulty of conducting effective rescues: “Hundreds of people are trapped and require search and rescue. Until debris is cleared, rescue operations are difficult because much of the area is reachable only by helicopters and boats.”145 Under National Planning Scenario 10, damage to critical infrastructure sectors was expected and therefore efforts should have been underway immediately to assess damage to communications and other vital systems: “Wind and downed trees have damaged nearly all of the electric transmission lines within the MMA. Most communications systems within the impacted area are not functioning due to damage and lack of power.”146</td>
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<td>Looting grows dramatically, with people using a forklift to smash into one pharmacy.</td>
<td>At 11:09 pm the Times-Picayune posts a story stating that there are “3,000 or more evacuees stranded at the convention center—and with no apparent contingency plan or authority to deal with them.” The report describes a “steady stream of often angry or desponded people” who “trickled” towards the convention center. Some had been there since Tuesday morning “but had received no food, water or instructions.”</td>
<td>FEMA does not learn about the convention center evacuees until Thursday. Although there are 500 National Guard troops patrolling the Superdome, they have “limited resources and no infrastructure,” who are “living like [the evacuees] are living.”</td>
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<td>Military transport planes carry seriously ill and injured patients to Houston.</td>
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<td>➢ Secretory Chertoff’s inability to supply basic medical, nutritional and other emergency needs for the evacuees in the Superdome and elsewhere demonstrates a failure to follow the National Response plan, which states: Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCLA establishes protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents.</td>
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<td>New Orleans pump stations are all offline.</td>
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<td>FEMA Director Brown says the storm caused the kind of damage the agency was expecting and that plans were in place: “That category four hurricane caused the same kind of damage that we anticipated. So we planned for it two years ago. Last year, we exercised it. And unfortunately this year, we’re implementing it.”</td>
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<td>FEMA has deployed 39 medical teams to set up field hospitals under tents, and mobilized 1,700 trailer trucks.</td>
<td>Conditions continue to deteriorate at the Superdome: “A 2-year-old girl slept in a pool of urine. Crack vials littered a restroom. Blood stained the walls next to vending machines smashed by teenagers…. ‘We pee on the floor. We are like animals,’ said Taffanny Smith, 25, as she cradled her 3-week-old son, Terry…. By Wednesday, it had degenerated into horror…. At least two people, including a child, have been raped. At least three people have died, including one man who jumped 50 feet to his death, saying he had nothing left to live for. There is no sanitation. The stench is overwhelming.”</td>
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<td>U.S. Health and Human Services Secretary Mike Leavitt declares a federal health emergency throughout the Gulf Coast, sending in medical supplies and workers.</td>
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<td>Secretary of State Condoleezza Rice attends a Broadway show in New York (and is booed there for failing to attend to Katrina matters).</td>
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<td>The entire region is declared a public health emergency amid fears of diseases that could</td>
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<td>Secretary Chertoff holds news conference, where he says that</td>
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<td>spread because of the contaminated, stagnant water.¹³⁴</td>
<td>he is &quot;extremely pleased by the response.&quot;¹⁵²</td>
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<td>Evacuations from the Louisiana Superdome to the Houston Astrodome begin. About 20,000 people are expected to be transferred from New Orleans to the Astrodome in Houston, TX. The first busloads of victims leave the Superdome for the Astrodome in Houston, more than 350 miles away.¹³⁵</td>
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<td>Governor Blanco asks the White House to send more help.¹³⁶</td>
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<td>The U.S. Army Corps of Engineers estimates it will be at least 30 days or more before New Orleans will be pumped out.¹³⁷</td>
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<td>Five offshore Louisiana oil rigs are reported</td>
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<td>missing and two more are adrift.</td>
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<td>President Bush flies over the region on his way back to Washington and convenes a federal task force.</td>
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<td>Gov. Blanco says that everyone must be evacuated from the Superdome within two days and calls for a day of prayer.</td>
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<td>Thurs, Sept. 1</td>
<td>Over 200 buses arrive to transport Superdome residents to the Astrodome in Houston, but thousands of newly emerged hurricane victims take their places, with crowds swelling to 25,000.</td>
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<td>In a morning television interview, President Bush says: “I don’t think anybody anticipated the breach of the levees. They did anticipate a serious storm. But these levees got breached. And as a result, much of New Orleans is flooded. And now we are having to deal with it and will.”</td>
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<td>New Orleans Mayor Nagin issues a “desperate SOS” asking for help dealing with the lawlessness and devastation in his</td>
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<td>➢ However, National Planning Scenario 10 included the planning assumption that the “20-foot storm surge has breached and overtopped flood control and hurricane protection works.”</td>
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<td>way back to Washington and convenes a federal task force.</td>
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<td>➢ Additionally, National Planning Scenario 10 included the planning assumption that “Major portions of the MMA [major metropolitan area] become flooded.”</td>
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|      | city. 154  
President Bush asks Congress for $10.5 billion in funds. 155  
Senate and House officials prepare a $10 billion emergency aid package. 156  
The death toll in Mississippi hits 126. 157  
Looting, carjacking and other violence spreads, and the military decides to increase National Guard deployment to 30,000. 158  
Crowds at the Superdome swell to 30,000, with another 25,000 at the convention center where conditions continue to deteriorate. Outside the New Orleans Convention Center, the sidewalks are packed with people without food, water or medical care, waiting | According to the New York Times, “chaos and gunfire had hampered efforts to evacuate the Superdome.”169  
Evacuees report numerous uncollected corpses in the Superdome.170  
A tourist stranded at the Ritz Carlton in downtown New Orleans says “[National Guard] are invisible. We have no idea where they are. We hear bits and pieces that the National Guard is around, but where? We have not seen them. We have not seen FEMA officials. We have seen no one.”171  
Mayor Nagin said: “I continue to hear that troops are on the way, but we are still protecting the city with only 1,500 New Orleans police officers, an additional 300 law enforcement personnel, 250 National Guard troops, and other military personnel who are primarily focused on evacuation.”172  
Superintendent P. Edward Compass III of the New Orleans Police Department said armed thugs had taken control of the secondary makeshift shelter at the convention center. He added that the criminals repelled 8 squads of 11 officers each that he had sent to secure the place and that rapes and assaults were unimpeded in the neighboring streets as criminals | DHS Secretary Chertoff said in a 9/1 interview that there were “crowd control issues” at the Superdome, but it was “secure.”177  
FEMA Director Brown says uncollected corpses have “not been reported to me, so I’m not going to comment. Until I actually get a report from my teams that say, ‘We have bodies located here or there,’ I’m just not going to speculate.”178  
Secretary Chertoff claims “we have 2,800 National Guard in New Orleans as we speak today.”179  
Mr. Brown said: “I actually think the security is pretty darn good. There’s some really bad people out there that are causing some problems, and it seems to me that every time a bad person wants to scream of cause a problem, there’s somebody there with a camera to stick it in their face.”180  
Secretary Chertoff said there were “isolated incidents of criminality” in New Orleans, even though by that time there were numerous reports of widespread looting, robbery, gunfire, and even rape.181  
As late as Thursday, 9/1, DHS Secretary Chertoff said he was unaware that there were thousands of New Orleans residents
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<td>for buses that do not come.¹⁵⁹</td>
<td>“preyed upon” passers-by, including stranded tourists.¹⁷³</td>
<td>stranded at the convention center who didn't have food or security, even though national news outlets were reporting on the distress of thousands of refugees there.¹⁸²</td>
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<td>Homeland Security Secretary Michael Chertoff announces that another 4,200 National Guard troops trained as military police will be deployed to New Orleans over the next three days.¹⁶⁰</td>
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<td>FEMA Director Brown admits that the federal government did not know until Thursday that thousands of survivors without food or water had taken shelter at the city’s convention center, despite a day of news reports.¹⁸³ “We learned about that (Thursday), so I have directed that we have all available resources to get to that convention center to make sure they have the food and water and medical care that they need,” he says.¹⁸⁴</td>
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<td>Louisiana Gov. Kathleen Blanco requests the mobilization of 40,000 National Guard troops.¹⁶¹</td>
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<td>Mr. Brown also said: “Considering the dire circumstances that we have in New Orleans – virtually a city that has been destroyed – that things are going relatively well.”¹⁸⁵</td>
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<td>The evacuation of patients from Charity Hospital was halted Thursday after the facility came under sniper fire twice. Physician at the hospital said that despite the incidents staff members and patients were eager to get out after three days with no water and electricity and sparse</td>
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<td>Mr. Brown also says: “I've had no reports of unrest, if the connotation of the word unrest means that people are beginning to riot, or you know, they're banging on walls and screaming and hollering or burning tires or whatever. I've had no reports of that.”¹⁸⁶</td>
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<td>Continuing problems in New Orleans, especially leading up to and after Nagin's ‘SOS,’ demonstrate a failure to follow the National Response Plan (NRP). Under the NRP, as the “primary Federal official” for domestic incident management, the Secretary is also responsible for coordinating Federal resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any of the following four conditions applies: . . . (2) the resources of State and local authorities are overwhelmed[,]¹⁸⁷</td>
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<td>Furthermore, the NRP recognizes that “Standard procedures outlined in the NRP regarding requests for assistance may be expedited or, under</td>
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<td>food rations.¹⁶²</td>
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<td>Doctors at two New Orleans hospitals plead for help, saying their food, water and power are almost gone. Helicopters evacuate up to 600 patients but an estimated 1,500 others are left behind.¹⁶³</td>
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<td>Officials close the Reliant Astrodome in Houston to further New Orleans evacuees shortly before five more busloads arrived. Although the passengers initially were told they would have to re-board the buses and go to Huntsville, officials relented and allowed at least one busload of 67 passengers to stay.¹⁶⁴</td>
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<td>Elsewhere, 76,000 people are in Red Cross shelters.¹⁶⁵</td>
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<td>extreme circumstances, temporarily suspended in the immediate aftermath of an incident of catastrophic magnitude, pursuant to existing law.¹⁴⁸⁷</td>
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<td>Secretary of State Condoleezza Rice buys several thousand dollars of shoes while shopping in New York City.¹⁸⁹</td>
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<td>Late in the afternoon on Thursday, 9/1, the Homeland Security Department finally contacts the airline industry to ask for help with evacuating storm victims.¹⁹⁰</td>
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<td>and former President Clinton, to lead a fund-raising campaign for</td>
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<td>National Guard trucks carrying supplies to the Superdome did not arrive until almost noon on Friday, 9/2---3 and ½ days after Katrina struck.</td>
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<td>victims.</td>
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<td>During his tour of hurricane stricken areas, President Bush tells FEMA Director Brown, &quot;Brownie, you're doing a heck of a job.&quot;</td>
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<td>Texas agrees to take in 75,000 people.</td>
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<td>Bush's tour of Louisiana delays 3 tons of food ready for delivery by air to refugees.</td>
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<td>600 massive sand bags arrive to help shore up the broken levees of</td>
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<td>New Orleans.</td>
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<td>Fri, Sept. 2</td>
<td>10:15 a.m.: Bush lands in Mobile, Ala., to tour affected areas on</td>
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<td>foot and by air.</td>
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<td>President Bush meets with Mayor Nagin and Gov. Blanco and visits the</td>
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<td>17th Street Canal breach.</td>
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<td>11:30 p.m.: Houston's Astrodome, which had been accepting busloads</td>
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<td>of evacuees from New Orleans, has no more room. Buses are diverted</td>
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<td>to other areas of Texas.</td>
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<td>11:45 p.m.: First</td>
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<td>National Guard trucks arrive with supplies at the Superdome.(^{194})</td>
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<td>President Bush acknowledges the failure so far of government relief efforts, saying &quot;the results are not acceptable.&quot;(^{195})</td>
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<td>House passes $10.5 billion for emergency relief, Bush signs it.(^{196})</td>
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<td>A large convoy of relief supplies arrives at the New Orleans Convention Center.(^{197})</td>
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<td>Commercial airlines begin flying people out of the city, and the Superdome begins to empty.(^{198})</td>
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<td>An explosion at a chemical storage facility sends a column of acrid smoke into the sky—other scattered fires break out.(^{199})</td>
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<td>Secretary Chertoff announces a total of 6,500 National Guard troops will arrive in New Orleans within 3 days; by day's end, nearly 20,000 National Guard troops are stationed in Louisiana and Mississippi. The Houston Astrodome is declared full, and Texas opens up two more centers for people displaced by Katrina. Gov. Blanco meets with President Bush, who proposes to assume control of the state’s National Guard Forces.</td>
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<td>Sat, Sept. 3</td>
<td>President Bush orders 7,200 more soldiers and marines to the Gulf Coast, and the National Guard sends an additional 10,000 as well.</td>
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<td>President Bush personally blames state officials for the Katrina response problems: “[T]he magnitude of responding to a crisis over a disaster area that is larger than the size of Great Britain has created tremendous problems that have strained state and local capabilities. The result is that many of our citizens simply are not getting the help they need.”</td>
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<td>The last evacuees at the New Orleans' Superdome are evacuated.207</td>
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<td>➢ Yet the National Response Plan (NRP) makes it clear that DHS has substantial Federal responsibilities in a disaster. &quot;The Secretary of Homeland Security is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. HSPD-5 further designates the Secretary of Homeland Security as the &quot;principal Federal official&quot; for domestic incident management.&quot;215 Furthermore, the NRP adds that &quot;Notification and full coordination with States occur, but the coordination process should not delay or impede the rapid mobilization and deployment of critical Federal resources.&quot;216</td>
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<td>Firefighters battle two fires along the Mississippi River waterfront, where 50-foot flames engulfed an industrial district. 308</td>
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<td>➢ Additionally, the NRP recognizes that DHS still has substantial responsibilities when there are catastrophic incidents where &quot;The response capabilities and resources of the local jurisdiction (to include mutual aid from surrounding jurisdictions and response support from the State) may be insufficient and quickly overwhelmed. Local emergency personnel who normally respond to incidents may be among those affected and unable to perform their duties.&quot;217</td>
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<td>The Army Corps of Engineers brings in pumps and generators from around the nation to help get New Orleans pumps back on line and bail out the city. 209</td>
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<td>Mr. Chertoff says, &quot;There has been, over the last few years, some specific planning for the possibility of a significant hurricane in New Orleans with a lot of rainfall, with water rising in the levees and water overflowing the levees.&quot;218</td>
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<td>FEMA says more than 25,000 residents have been evacuated out of the city of New Orleans.210</td>
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<td>police report that 200 of their 1,500 officers have walked off the job in frustration, and two others have committed suicide. 212  The U.S. Labor Department announces an emergency grant of up to $62 million US, to provide work for dislocated workers in the devastated parts of Louisiana - it's expected the grants will provide as many as 10,000 temporary jobs. 213  Gov. Blanco rejects the White House proposal and asks the National Guard to focus on security. 214</td>
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<td>Sun,</td>
<td>Health and Human Services Secretary Michael Leavitt says the death toll from the hurricane will be in the thousands. 219  Water and air rescue efforts continue in</td>
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<td>Sept. 4</td>
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<td>New Orleans; the U.S. Coast Guard said it has rescued more than 17,000 people, almost twice as many as it had saved in the previous 50 years combined, but that thousands of people remain stranded.</td>
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<td>A Eurocopter AS 332 Super Puma helicopter flown by a civilian company crashes during rescue operations in New Orleans. No evacuees are aboard, and the pilot and crew are rescued.</td>
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<td>New Orleans Mayor Ray Nagin announces plans to move traumatized police and firefighters out of the city so they can receive medical and psychological treatment.</td>
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<td>Carnival Cruise Lines announces it will cancel</td>
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<td>cruises on three of its ships so they can be used to house about 7,000 Katrina victims.\textsuperscript{223} Governor Kathleen Blanco declares a state of public health emergency, and says the Louisiana death toll will likely be in the thousands.\textsuperscript{224} Gov. Blanco’s staff rebukes the White House, remarking that: “they wanted to negotiate an organizational chart.”\textsuperscript{225} A shelter in Biloxi, Miss., is closed after more than 20 residents fall ill, possibly with dysentery. \textsuperscript{226} Mayor Nagin begins offering five-day vacations to city emergency workers.\textsuperscript{227} President Bush visits a Red Cross center and</td>
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| Mon, Sept. 5 | Suburban Jefferson Parish, across the 17th Street Canal from the levee breach that flooded much of New Orleans, begins allowing residents to return temporarily to retrieve their belongings. The New Orleans police now say 500 of their officers are unaccounted for, and reinforcements arrive from around the United States. The U.S. Army Corps of Engineers finishes patching a levee breach on the 17th Street Canal in New Orleans and announce that they have begun pumping water out of the city’s streets. |                                                                                                                                                                                                                                                                  | Mr Chertoff tells journalists that Hurricane Katrina was a "breathtaking surprise" and says it was "that perfect storm of a combination of catastrophes [that] exceeded the foresight of the planners, and maybe anybody's foresight."  

Mr Chertoff said that planners were prepared for an "overflow from the levee, maybe a small break in the levee" but "the collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."  

Mr Mayfield disputes the comments of Mr Chertoff and Mr Brown: "They knew that this one was different. I don't think Mike Brown or anyone else in Fema could have any reason to have any problem with our calls... They were told... We said the levees could be topped." |
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<td>President Bush makes his second visit to the stricken region since Katrina struck, meeting with Louisiana Gov. Kathleen Blanco and other officials at the state's relief headquarters in Baton Rouge. 232 Former presidents Bush and Clinton announce a fund for victims, similar to the one they spearheaded following the Asian tsunami. 233 The U.S. military dispatches 4,700 more active-duty troops to join relief efforts by Tuesday, up from the 2,500 announced Saturday. 234 British Petroleum says it has restarted oil production at some of its Gulf of Mexico facilities which had been shut due to the</td>
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<td>hurricane. 235</td>
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<td>South Korea and Australia voice frustration that U.S. relief efforts have prevented them from rescuing their citizens. 235</td>
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<td>Gov. Blanco is surprised to learn of Mr. Bush's visit while preparing to leave for Houston. 237</td>
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<td>Tues, Sept. 6</td>
<td>Mayor Nagin reissues the mandatory evacuation order. 241</td>
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<td>With Congress, President Bush announces an inquiry into the federal response and asks for $51.8 billion in relief aid. 242</td>
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<td>Wed, Sept. 7</td>
<td>Mayor Nagin orders the New Orleans Police to begin removing residents by force. 243</td>
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<td>President Bush sends Vice President Cheney</td>
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<td>to join “the blitz of administration officials visiting the region.”</td>
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<td>Thurs, Sept. 8</td>
<td>Gov. Blanco says equipment she requested from the federal government a week before had yet to arrive.</td>
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<td>In a short televised speech, the President remarks to hurricane survivors, “The government is going to be with you for the long haul.”</td>
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<td>Fri, Sept. 9</td>
<td>White House announces President Bush’s intention to visit the region for a third time.</td>
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5. Brett Arends, “Brown pushed from last job: Horse group: Fema chief had to be ‘asked to resign,’” Boston Herald, 3 September 2005.
8. Id.
9. Id.
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12 Andrew Zajac and Andrew Martin, “Top FEMA officials have scant experience in disaster management,” Chicago Tribune, 6 September 2005.
13 Id.
15 Id.
16 Id.
23 “DHS’ Efforts to Enhance First Responders’ All Hazards Capabilities Continue to Evolve,” GAO 05-652, July 2005, p. 36-38.
26 Id.
27 Id.
28 Id.
31 Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
32 Id.
33 9/11/05 Times Online Timeline.
35 Id.
36 9/11/05 Times Online Timeline.
42 CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset exclude.html
43 Id.
44 Id.
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<td>47</td>
<td>Id.</td>
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<td>9/7/05 Times Online Timeline.</td>
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<td>9/7/05 Times Online Timeline.</td>
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<td>55</td>
<td>Id.</td>
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<td>National Guard briefing materials are available by contacting the Democratic Staff of the House Committee on Homeland Security.</td>
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<td>9/7/05 Times Online Timeline.</td>
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<td>CNN.com, September 1, 2005—“FEMA chief: Victims bear some responsibility.”</td>
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<td>CNN Hurricane timeline, may be viewed at: [<a href="http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline-katrina/frameset.exclude.html">http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline-katrina/frameset.exclude.html</a>].</td>
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<td>9/7/05 Times Online Timeline.</td>
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<td>Id.</td>
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<td>CNN Hurricane timeline, may be viewed at: [<a href="http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline-katrina/frameset.exclude.html">http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline-katrina/frameset.exclude.html</a>].</td>
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<td>Id.</td>
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<td>Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: [<a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>].</td>
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<td>Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: [<a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>].</td>
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66 Id.
68 9/7/05 Times Online Timeline.
74 Id.
75 Id.
79 Id.
80 Id.
82 Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
85 Id.
87 Id.
89 Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
90 Id.
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<td>8/30/05</td>
<td>Tony Pugh and Ron Hutcheson, “Bush returns to DC to oversee relief for Katrina,” Knight Ridder Newspapers, August 30, 2005.</td>
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<td>CNN Hurricane timeline, may be viewed at: <a href="http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html">http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html</a></td>
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<td>Press Conference With Officials from the Department of Homeland Security, Justice Department, Defense Department, the National Guard Bureau, U.S. Coast Guard and FEMA, September 1, 2005, <a href="http://www.dhs.gov/dhspublic/display?content=4779">http://www.dhs.gov/dhspublic/display?content=4779</a></td>
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<td>185</td>
<td>CNN.com, September 1, 2005—“FEMA chief: Victims bear some responsibility.”</td>
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188 National Response Plan, Catastrophic Incident Annex, CAT-1.
196 Id.
197 Id.
199 Id.
207 Id.
210 Id.
211 Id.
212 Id.
213 Id.
216 National Response Plan (NRP) page 9
217 Id.
218 Id.
219 Katrina timeline: who knew what and when?, *The Times of London*, 7 September 2005, [http://www.timesonline.co.uk/article/0,23889,1769493,00.html](http://www.timesonline.co.uk/article/0,23889,1769493,00.html) (7 September 2005).
221 Id.
222 Id.
224 Id.
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226 Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html

227 9/7/05 BBC Timeline.

228 Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html

229 Id.

230 Id.

231 Id.

232 Id.


234 9/7/05 Times Online Timeline.

235 Id.

236 Id.


Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Oregon (Mr. DeFazio).

Mr. DeFazio. Mr. Speaker, time and time again, the White House, the Department of Homeland Security, and the Federal Emergency Management Agency have been criticized for the delays in their response and coordination of resources in the wake of Hurricane Katrina. The White House and FEMA have been accused of making mistakes and failing to communicate effectively with the American people.

Well, Hurricane Katrina was not a terrorist attack, but the Federal response was worse and degraded from the capabilities that we had on 9/11. On that day, FEMA was a high-functioning, independent, professionally run agency. Today, it is subsumed into this gigantic morass of the homeland security bureaucracy, downgraded to subagency level with a political hack as its director, and most of the professional staff has resigned and gone on to run agencies in the various communities around the country. There are still some good professionals there, but the leadership, appointed by the White House, and the fact it was subsumed in the bureaucracy at the insistence of the Republican majority and the White House, took away its independent agency status.

We had a vote on the floor to restore its independent agency status. We predicted these problems, but they opposed the motion. Now they want to investigate themselves. Will the other side of the aisle fess up, like the White House never does, that they were wrong to follow the lead of the White House to downgrade this agency, to politicize it, subsume it in a huge bureaucracy, and that we are less capable than we were on 9/11 to respond to these types of disasters? I think not.

Mr. Speaker, we need an independent agency outside of this highly partisan body. They won't admit to those mistakes. There were certainly mistakes made at the local level, and they will probably highlight those, and those should be rectified, too. But all mistakes should come out, the fallings of the Federal Government, the State government, and local government agencies, with an independent, non-partisan commission. That would be greatly preferable to this coverup that is going to go on here.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marietta, Georgia (Mr. Gingrey), a hardworking member of the Committee on Rules.

Mr. Gingrey. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of House Resolution 437. I think we are completely doing the right thing for the right reasons. I have heard the other side of the aisle argue that what is the hurry, you are rushing to create an oversight committee and let us wait a couple of months. I want to point out to my friends on the other side of the aisle that we are still in the hurricane season. In fact, we are just getting into the hurricane season, and we need to get this investigation going as soon as possible. It is very important that we not wait. We have a 5-month opportunity to study this problem and find out exactly where the responsibilities lie.

The other side of the aisle also is suggesting that this is a Republican majority investigating a Republican administration that we were not focusing just on the Federal aspects of this, as they would like us to do, but we are also focusing on the local and State aspects of this. There are Democrats and Republicans all up and down the East Coast who are saying, This is a way to do it. This is what Congress has a responsibility to do and has done 41 times over the last 30 or 40 years. I could name any number of instances. My colleagues on the other side of the aisle know that is true.

The creation of an outside independent commission, as they call it, they are calling for doing that and spending an additional $5 million to $10 million. We do not need to do that. We have the staff within this Congress on both sides of the aisle, both in the majority and on the minority, and hopefully we would not spend more than $500,000 to get this work done and get it done in a bipartisan fashion. That is why I am asking the Bipartisan Committee to Investigate the Preparation for and the Response to Hurricane Katrina. I am fully in support of that.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. Pelosi).

Mr. George Miller of California asked and was given permission to revise and extend his remarks.

Mr. GEORGE MILLER of California. Mr. Speaker, for so many reasons my colleagues on this side of the aisle have articulated, this resolution should be rejected. Because it is neither bipartisan in terms of its authority, nor bipartisan in terms of its power, nor bipartisan in terms of its subpoena power. That will all rest with the majority.

The question that must be answered is: Is it FEMA, which 5 years ago was a world-class agency that was being praised by Republicans and Democrats alike, by local officials, by governors, by mayors, by the international community, who were coming and visiting and taking lessons from FEMA, how in 5 years was that agency so incredibly hollowed out that it could not respond to Hurricane Katrina?

This President and this administration made some horrible decisions about putting political hacks and their cronies in charge of the agency that is responsible for the safety of the American people, the United States, whether it is western fires, earthquakes, floods, tornados or hurricanes. He appointed political hacks. Is he going to investigate that himself, as he says?

Members of Congress, powerful Members of the Senate and the House, made decisions about using FEMA as a honey pot to take resources out of and divert them elsewhere. The Committee on Appropriations chairmen of both houses, the leadership, the Republican leadership of both houses, are they going to invest in that themselves?

That is like asking Enron to investigate corporate ethics, baseball to investigate energy policy. It just cannot happen, and the American people know that. That is why, when they are asked on this question, 75 percent of the American people want a 9/11 Commission. They want a 9/11 Commission because they saw that the 9/11 Commission was the only way that the citizens of this country were going to get the answers, not the answers the politicians wanted them to get, and that is what this bipartisan, phony committee is about. They want to give you the answers they want you to get. The citizens want the answers to the questions that they want to ask.

The power in our democracy is with the citizens, and the citizens want a citizens’ committee. They want a citizens’ committee to answer these questions because the questions are going to have to be asked of a Republican President, a Republican Congress, a Democratic mayor, a Democratic governor, a Republican governor and that simply will not be able to be done.

The President has said he takes responsibility. The question that must be asked. Did he do it? Is he the President of the United States to protect the people of this country? So far, the question is a resounding, no.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. Pelosi), the minority leader.

Ms. Pelosi. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. Slaughter), for yielding me this time and commend the members of the Committee on Rules for their important work on this subject, particularly the gentleman from Florida (Mr. Menendez), the chairman of our caucus, on legislation which will bring truth to this situation, an independent commission modeled after 9/11, respected by the American people.

Following the tragedy of 9/11, the American people expected and deserved
the truth. People of New York and New Jersey were strong advocates for such a commission. The people in Louisiana and Mississippi and the gulf region are displaced. They are trying to put their lives back together. They have lost their homes; their jobs; their livelihoods; their communities. They really do not have time to lobby Congress for an independent commission.

But our country is grateful to the 9/11 families because they not only gave us that commission to review that terrible sequence on the floor yesterday. Senator Senator C. LINTON leading the way from Texas (Mr. A. L. GREEN), the gentleman from Texas (Mr. GENE GREEN), going to New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way from Mississippi that could streamline how we would go forward. At the time, I intended it just to be on the positive side, and that was correct. But unfortunately, and then when we saw things go wrong, we added the charge that we would see what went wrong. So the idea of this Congress having a role in terms of oversight in a bipartisan special committee is one that I supported. I suggested it.

But what the Republicans came back with was really a slap in the face to the people who were affected in the region. We owe them the truth. Why is this Congress afraid of the truth? Sometimes it is really important; as we try to find our common ground, we stand our ground where we cannot find that common ground, but we are always in favor of the people, to yield on points. Because we are here to get a job done. Maybe not exactly the way we would want to get it done, but get a job done. So now, today, the Republicans are putting up an obstacle to doing just that.

So I urge my colleagues to honor the sacrifice, the situation, that has affected the people in the region by at least voting them the truth and vote against this committee today, to vote against this committee, to say come back to the drawing board when they want to have honesty in what we are doing. But, first and foremost, we must have a truly independent commission, again, in the manner of the 9/11 Commission that took testimony, that issued a report, that gave transparency and openness to the process and gave some level of truth to the American people.

Because the people in the gulf States, many of them affected are poor and economically disadvantaged and not as sophisticated, perhaps, as some of the people stricken with grief in the New York/New Jersey area at the time of 9/11, and in Pennsylvania and in the Pentagon. Because these people are of a different economic status and because they are living in shelters and the rest and not really able to speak for themselves to the Congress of the United States, with the House Democrats, will speak for them in asking for the truth and appealing to our Republican colleagues for us to work together in a completely nonpartisan way to help meet their needs.

I know that some Members have visited the region, certainly those affected. The gentleman from Mississippi (Mr. TAYLOR) spoke with such eloquence that he saw in her beloved State of Louisiana. And the gentleman from Louisiana (Mr. JEFFERSON) has told us firsthand of what he has seen there. The gentleman from Mississippi (Mr. THOMPSON), our ranking member on the Committee on Homeland Security, spoke from authority in standing on the committee but experience as a Mississippian. They know because they see firsthand. I could only see secondhand, joining the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. AL GREEN), the gentleman from Texas (Mr. GENE GREEN), going to New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way from Mississippi that could have risen to the occasion so quickly and so compassionately as Houston. Mayor G meme Eckels, the Commissioner of Harris County; Representative Noriega, so many people in the community came together to help the victims of Katrina. But still, with all of the respect that they owed to their guests, with all the health care, with all the care and feeding, still, of course, there is no place like home.

So let us find out how we can bring these people home. And a good way to have them come home is to have confidence in the future that, should another hurricane strike, and we know that it will, that the precautions will have been taken, the accountability will be assigned, and that the people are protected, not only by finding the truth. We can find the truth with the gentleman from Florida (Mr. HASTINGS), the gentleman from New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way in the Senate on this important issue, and we can do it by rejecting this committee.

I stand open and welcome to any cooperation with the Republicans when the Speaker is ready to cooperate on true bipartisanship, true openness, and true accountability to the American people.

With that, I just close again to say that our hopes and prayers are always with the people of the region. It is our resolve that they will be made whole as soon as possible, and that has to be a bipartisan commitment.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I ask for a “no” vote on the previous question so I can amend the rule and allow the House, instead of H. Res. 437, to consider H.R. 3764, which creates an independent 9/11-like commission to investigate the events involving Hurricane Katrina. I offered this amendment in the Committee on Rules last night, but, sadly, it was rejected.
I want to reiterate that 76 percent of Americans in a recent ABC/Washington Post poll preferred that a commission of outside experts, similar in nature to the 9/11 Commission, and, in fact, I wish for the same people, to investigate the devastating events surrounding Hurricane Katrina and that is not just Democrats that were asked. Sixty-four percent of Republicans in that same poll said they, too, supported an independent commission to investigate the government’s preparedness and response effort.

Please vote “no” on the previous question so we can authorize an independent commission that will not be influenced by partisan politics instead of a Republican-controlled committee investigating the failings of a Republican-controlled administration. Too many people’s lives were turned upside down because of the failure of governmental officials to adequately prepare for and respond to the impact of Hurricane Katrina. Let us not fail them a second time.

I urge a “no” vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHODD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we deal with this great challenge, one cannot help but think back to the days following one of the most tragic events in our Nation’s history, that being, of course, the attack on the World Trade Center, flight 93 going down in Pennsylvania and, of course, the plane hitting the Pentagon. We all know that, following that tragedy, Democrats and Republicans came together. They came together committed to ensuring that we would never see the kind of terrorist threat that happened on September 11 hit the United States or our allies or anyone in the world again. And that really embarked us upon this massive global War on Terror, and that has been the focus of the Federal Government. We know that on September 11, 2001, became this bipartisan goal of trying to deal with the global War on Terror.

Mr. Speaker, I am very proud of the Democrats in this House who have come together in a bipartisan way to work with Republicans in our shared goal of winning the global War on Terror. It is an important struggle, and it is one which many say will last beyond our lifetimes, but I am convinced that Democrats and Republicans will continue to work together to ensure that we win that global War on Terror.

We know that 2½ weeks ago we faced another kind of disaster. It was a natural disaster that hit our fellow Americans, our fellow citizens, on the Gulf Coast. And we know that, as we sit here today, another hurricane, Hurricane Ophelia, continues to pose a threat in the Carolinas. And I will tell the Members, as I stand here at this moment, Mr. Speaker, and the country, actually with the prospect of a massive earthquake hitting the largest, most important State in the Union, which I am proud to represent here.

We in California deal with the threat of fires, as a regular basis, I represent the Angeles National Forest, and that threat is a very serious one. And in the wake of those fires following that, we, of course, have terrible mudslides which impact tremendous numbers of people.

We have gone through disasters in the past. Obviously, as President Bush has said, this is the worst natural disaster in our Nation’s history, Hurricane Katrina. But we have faced many, many struggles in California. One of the most prominent was the Northridge earthquake on January 16 of 1994. I know my friend from San Francisco, the distinguished minority leader, suffered the Loma Prieta quake.

And I will say that, having gone through all of this, Mr. Speaker, it is absolutely absurd, it is absurd, to believe that any Member of this House, that any Member of this House would not want to get to the truth of exactly what happened in the case of Hurricane Katrina.

Now, earlier this week, President Bush came forward and said that he takes full responsibility for the Federal Government’s problems when it came to the preparation for and the response to Hurricane Katrina. Just yesterday, Governor Blanco, the Democratic Governor of Louisiana, said that she takes responsibility for what took place in her State.

Now, Mr. Speaker, we have a Republic President and a Democratic Governor coming forward and saying they take responsibility for their roles in the governments that they serve, the Federal Government and the State government.

The gentleman from Illinois (Speaker HASTERT) has come forward saying that it is very important for us to work in a bipartisan way. He has tried to work with the minority leader to make sure that, in appointing this select committee, we will have a chance to work in a bipartisan way. Speaker HASTERT has just called for members of the Committee on Appropriations to go to the Gulf Coast to look at this situation and to report back to us, because the very important responsibility of oversight right now that the Committee on Appropriations has over the Department of Homeland Security, a bipartisan way, have appropriated to deal with this, needs to be addressed. So this notion that there is not a bipartisan commitment to get to the bottom of this is absolutely ludicrous.

I want to make sure that if my State faces an earthquake, a fire, a mudslide that we are able to have the best response possible. I will tell my colleagues that this bipartisan committee is something that I think can play a very important role in ensuring that for all of us who face the prospect of a disaster in our States that we will be able to address it in a better way.

Mr. Speaker, I am a proud institutionalist. I know that is not a popular thing to say; but I serve on the Committee on Rules, and by virtue of that, I think it makes me an institutionalist. This is my 25th year serving here, and I am proud of the role that I have been able to play in trying to address very important institutional concerns, and we have been able to address many issues in a bipartisan way.

Now, I will acknowledge that, on occasion, the Committee on Rules can be a very partisan place; but on occasion we also can be very bipartisan. We just reported out a rule that enjoyed strong bipartisan support dealing with Coast Guard reauthorization, and passage of rules like that are noncontroversial, and we do get along. But if you look at other committees around this place, Mr. Speaker, such as the Committee on Transportation, the Committee on Energy and Commerce, the Committee on Financial Services, you can go right down the line, Democrats and Republicans come together to address major public policy concerns that are out there.

Now, Mr. Speaker, everyone wants to make sure that no one suffers again as the people have of the Gulf Coast. I do feel for our colleague MARY LANDRIEU in the other body, and the gentleman from Mississippi (Mr. TAYLOR); but I also think it is important for us to note that in the other body, our colleague Trent Lott lost his home. We have seen tremendous loss from people like the gentleman from Louisiana (Mr. JINDAL) on our side. So the point is that this is a disaster which has impacted Democrats and Republicans, and that is why I believe that it is incumbent.

Because article I, section 8 of the U.S. Constitution makes it very clear that we have the responsibility for congressional oversight, oversight of the executive branch; and this bipartisan select committee, Mr. Speaker, will focus not just on the Federal Government. It will focus on State government, on local governments, on even private entities that have been involved in this process.

Accountability is something that an independent commission will not have anything to do with. The 9/11 Commission was not accountable at all. We are
accountable as the elected representatives of the American people to the American people. And I think that it is very clear that moving quickly is the right thing to do. The reason that I believe that it is important for us to move quickly is that, as I said, Hurricane Katrina is at this moment posing a threat to the Carolinas, and there are other disasters on the horizon.

I believe that Democrats and Republicans should come together. The Speaker has reached out to the Democratic leader and very much wants to have appointments made, and Democrats will be able to ask any question that they want; they will be able to participate in the process of bringing witnesses before the committee. Again, everyone wants to make sure that we take the steps to ensure that this never happens again.

Mr. Speaker, I urge my colleagues to support this rule. I urge my colleagues to support the underlying legislation which will establish this very important committee so that we can address this question and ensure that the American people will not go through what we have seen happen in the last several weeks.

The amendment previously referred to by Ms. Slaughter is as follows:

Previously for H. Res. 439, the Select Committee to Investigate the Preparation for and Response to Hurricane Katrina Amendment to H. Res. 439 offered by Rep. Slaughter (NY)

Amendment in nature of substitute:

"Resolved. That immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3794) to establish a congressional commission to examine the Federal, State, and local response which was not established by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas affected in the aftermath and make immediate corrective measures to improve such responses in the future. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit."
The SPEAKER pro tempore (Mrs. Emerson). Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote was ordered or on which the vote is to be taken without take a later date.

KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. McCrery. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

SEC. 2. DESIGNATION AS EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE I—GENERAL TAX RELIEF PROVISIONS

SEC. 101. EXTENSION OF RECOGNITION PERIOD FOR NONRECOGNITION OF GAIN.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), qualified disaster contributions shall be taken into account for purposes of subsections (a) and (b) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the taxpayer's contribution base as defined in paragraph (1) of section 170(b) of such Code)

Mr. FLAKE. Madam Speaker. I ask unanimous consent that the name of the gentleman from Tennessee (Mr. WAMP) be removed as a cosponsor of my bill, H.R. 3841.

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules, under the provisions of section 3 of rule XX, to provide for the consideration of the following:

H.R. 3768

The SPEAKER pro tempore. Pursuant to the provisions of section 3 of rule XX, the roll of the cheers is ordered opened and the pending question is taken up;

The vote was taken by electronic device, and there were—aye 221, noes 193, not voting 19, as follows:

The roll callCLOSED.

The SPEAKER pro tempore. Pursuant to the rules and the unanimous consent of the House, the House has determined that a quorum is present.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

SEC. 2. DESIGNATION AS EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE I—GENERAL TAX RELIEF PROVISIONS

SEC. 101. EXTENSION OF RECOGNITION PERIOD FOR NONRECOGNITION OF GAIN.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), qualified disaster contributions shall be taken into account for purposes of subsections (a) and (b) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code)
the amount of all other charitable contributions allowed under such paragraph.

(B) CARRIYER.—If the aggregate amount of qualified disaster contributions made in the case of a partner or shareowner described in section 170(d)(1) of such Code exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (1) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corpo-

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the ex-

NOTWITHSTANDING subsection (1) of section 170 of the Revenue Act of 1986, the case of the use of a vehicle described in sub-

SEC. 103. MILEAGE RATE FOR CHARITABLE PUR-

(a) MILEAGE RATE FOR CHARITABLE PUR-

the amount of real property located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer for principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

SEC. 108. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the tax-

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any individual who was (as of August 28, 2005) a resident of any area which is deter-

(c) EARNED INCOME.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purposes of subsection (a), in the case of a joint return for a taxable year which in-

(2) SUCH EARNED INCOME FOR THE TAXABLE YEAR WHICH INCLUDES AUGUST 28, 2005.

(3) EARNED INCOME NOT SUBJECT TO TAXATION UNDER SUBSECTION (a).

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall be de-

(5) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(6) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(7) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(8) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(9) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(10) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(11) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(12) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(13) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(14) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(15) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(16) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(17) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(18) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(19) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(20) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(21) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(22) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(23) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(24) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(25) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(26) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(27) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(28) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(29) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(30) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(31) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(32) TAXPAYERS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.
SEC. 110. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of section 51(c)(4) of such Code, an employee hired after such date, section 51(c)(4) of such Code shall not apply.

(c) SPECIAL RULES FOR DETERMINING CREDIBILITY.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply (except in the case of an employee of the employer (within the meaning of section 51(c) of such Code) paid or incurred to any Hurricane Katrina employee—

(i) the principal place of abode of such employee is located in a Hurricane Katrina disaster area, and

(ii) the employee begins work for the employer during the 2-year period beginning on August 29, 2005.

(d) APPLICATION OF SECTION.—This section shall apply only to wages (within the meaning of section 51(c) of such Code) paid or incurred to any individual who—

(i) is hired for a position with a principal place of employment located in a Hurricane Katrina disaster area, and

(ii) begins work for the employer on or after the date of the enactment of this Act.

(e) HURRICANE KATRINA DISASTER AREA.—For purposes of this section, the term ‘Hurricane Katrina disaster area’ means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

TITLE II—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

SEC. 201. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

‘‘(C) for distributions to which section 402(c) of such Code (relating to eligible rollover distribution) is applicable, and the term ‘qualified disaster-relief distribution’ means—

(I) any qualified disaster-relief distribution from an individual retirement plan, or from an eligible retirement plan (as defined in section 457(b) of such Code) maintained by an employer described in subparagraph (B) (as so defined) when such distribution is transferred to an eligible retirement plan within 60 days of the date of transfer,''

(b) EXEMPTION OF DISTRIBUTIONS FROM 10 PERCENT additional tax on early distributions from IRA’s.—For purposes of section 72(t) of the Internal Revenue Code of 1986 (relating to additional tax on early distributions from IRA’s), if a contribution is made pursuant to section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, a contribution is treated as a qualified disaster-relief distribution for purposes of such section if—

(I) the aggregate amounts treated as qualified disaster-relief distributions from any taxable year shall not exceed the excess (if any) of—

(I) $100,000, over

(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years, and

(II) AMOUNT DISTRIBUTED MAY BE REPAID.—

‘‘(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 5-year period beginning on the day on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

(II) TREATMENT OF REDEMPTIONS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subsection (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, the taxpayer shall include in gross income any amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(III) TREATMENT OF REDEMPTIONS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subsection (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 402(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this title, if a contribution is made pursuant to subsection (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 402(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(V) THE DATE ON WHICH A PERIOD REFERRED TO IN SUBPARAGRAPH (I) IS DETERMINED.—The date on which a period referred to in subparagraph (I) (with respect to a period beginning on August 29, 2005) is determined is—

(I) $100,000, over

(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years,

(II) AMOUNT DISTRIBUTED MAY BE REPAID.—

‘‘(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 5-year period beginning on the day on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

(II) TREATMENT OF REDEMPTIONS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subsection (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 402(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(V) THE DATE ON WHICH A PERIOD REFERRED TO IN SUBPARAGRAPH (I) IS DETERMINED.—The date on which a period referred to in subparagraph (I) (with respect to a period beginning on August 29, 2005) is determined is—

(I) $100,000, over

(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years,

(II) AMOUNT DISTRIBUTED MAY BE REPAID.—

‘‘(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 5-year period beginning on the day on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

(II) TREATMENT OF REDEMPTIONS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subsection (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 402(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(V) THE DATE ON WHICH A PERIOD REFERRED TO IN SUBPARAGRAPH (I) IS DETERMINED.—The date on which a period referred to in subparagraph (I) (with respect to a period beginning on August 29, 2005) is determined is—

(I) $100,000, over

(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years,
made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 4975(d) of the Internal Revenue Code), then the plan participant shall, to the extent of the amount of the contribution, be treated as having received a qualified distribution in an eligible retirement plan (as defined in section 402(c)(4) of such Code) and as having transmitted the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(b) Definitions.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii), 403(b)(11)(B), 457(d)(1)(A)(iii), or 72(t)(2)(PF) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which a disaster area was designated the area as a Hurricane Katrina disaster area.

(3) HURRICANE KATRINA DISASTER AREA.—The term “Hurricane Katrina disaster area” means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and which is located in the coastal counties of the state of Louisiana.

(4) RELIEF AND EMERGENCY ASSISTANCE ACT.—The term “Relief and Emergency Assistance Act” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended.

SEC. 204. LOANS FROM QUALIFIED PLANS IN CONNECTION WITH HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan or plan amendment (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 202(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 203(b)(2))—

(1) clause (1) of section 72(p)(2)(A) of such Code shall be applied by substituting “$100,000” for “$50,000” and

(2) clause (1) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 202(c)) (as defined in section 202(c)) made on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay; and

(2) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be increased by the delay in the due date under this subsection.

SEC. 205. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—This section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or any regulation, issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) before the date of enactment of this Act and after the date of enactment of such title, or

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(3) Section 109 of this Act (relating to charitable contributions).

(4) Section 107 of this Act (relating to miscellaneous sunset provisions).

(5) Section 108 of this Act (relating to rehabilitation tax credits).

(6) Section 105 of this Act (relating to special rule for certain family related benefits), but only with respect to individuals dislocated from their residence by reason of Hurricane Katrina.

(7) Title II of this Act (relating to penalty free use of retirement funds in the case of natural disasters) and section 72(t)(2)(G) of the Internal Revenue Code of 1986 (as added by section 201 of this Act).

(c) Clarification of Scope of Provisions Relating to Charitable Contributions.—The provisions of sections 102 and 103 shall apply only to relief efforts related to Hurricane Katrina whether or not such efforts are carried out in an area directly impacted by Hurricane Katrina.

(d) Public Assistance.—The provisions of sections 102 and 103 shall apply only to relief efforts related to Hurricane Katrina whether or not such efforts are carried out in an area directly impacted by Hurricane Katrina.

The SPEAKER pro tempore. Pursuant to the rule of this House, the unanimous consent of the gentleman from Louisiana (Mr. McCrery) and the gentleman from Louisiana (Mr. Jefferson) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. McCrery).

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

Madam Speaker, I rise today in strong support of the Katrina Emergency Tax Relief Act of 2005. I want to thank my colleagues on both sides of the aisle for their work and support in moving this critical legislation quickly to the House floor. In particular, I want to thank my colleagues on the Committee on Ways and Means: the gentleman from Louisiana (Mr. Jefferson), the gentleman from New York (Mr. Rangel), and all the members of the Louisiana delegation for their continued assistance in crafting hurricane-related legislation.

This bill is the Committee on Ways and Means’ second installment of providing targeted relief for individuals and families hurt by Hurricane Katrina. These tax provisions are aimed at easing the financial burdens of people of the region as they begin to rebuild their lives.

This bill also addresses the generosity of many Good Samaritans across the country who have opened up their homes to individuals and families displaced by the hurricane. H.R. 3768 would provide a special $500 income tax deduction for those who are providing temporary housing. In addition, the Katrina Emergency Tax Relief Act encourages cash donations to help victims by relaxing some restrictions regarding how much charitable contribution can be deducted on an individual’s tax return.

H.R. 3768 continues the efforts of this Congress to bring immediate relief to these individuals and families devastated by Hurricane Katrina.

Madam Speaker, last week, the members of the Committee on Ways and Means on both sides of the aisle acted quickly, and the House passed the TANF Emergency Response and Recovery Act. That bill will provide aid by cutting down red tape and bringing more Federal dollars to the affected areas through the Temporary Assistance for Needy Families program, with the welfare program.

The Committee on Ways and Means continues to look at programs within...
our jurisdiction and how they might be used to assist those affected by Hurricane Katrina. I expect that we will bring to the House floor additional legislation in the coming weeks. We know that the people and businesses of New Orleans and the gulf coast areas hit by Katrina and we are committed to helping them do that.

Today, Congress will vote on much-needed tax relief for the affected areas. I urge my colleagues to support this legislation so we can quickly work with the Executive branch in the Senate to further demonstrate that this Congress stands ready to help those most affected by Hurricane Katrina.

Madam Speaker, I reserve the balance of my time.

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

First, I want to thank the gentleman from Louisiana (Mr. MCCRERY), my friend and colleague, for joining me in introducing this important piece of legislation. I also want to thank the gentleman from California (Mr. THOMAS), the chairman of the committee, and the gentleman from New York (Mr. RANGEI), our ranking member, for their help in bringing this bill to the floor, as well as the members of the Committee on Ways and Means.

I also would be remiss if I failed to thank both the Republican and Democratic staff of the committee for their extraordinary efforts to put this tax package together in such a timely way.

Madam Speaker, the Katrina Emergency Tax Relief Act of 2005 provides much-needed aid and comfort to the victims of Hurricane Katrina and the many thousands of good Samaritans who have opened their arms, wallets and homes to provide food, clothing, shelter and medical care and other necessities to the thousands of Americans who have been uprooted in the wake of this horrible storm.

As we have all seen, while Hurricane Katrina was indiscriminate in the destruction it wrought, the unprecedented property damage, human toll and economic loss fell disproportionately on the backs of our poorest and most vulnerable citizens.

A disproportionate share of the damage in my hometown of New Orleans was meted out on parts of our great city that were already extraordinarily economically disadvantaged. The poverty, disability and economic disenfranchisement in these areas in no small way were factors in the extraordinary loss of life and property experienced by my constituents.

For this reason, I am grateful that the bill we consider today provides important relief to these vulnerable families.

First, families who have been displaced will rebuild and we are committed to helping them do that.

Today, Congress will vote on much-needed tax relief for the affected areas. I urge my colleagues to support this legislation so we can quickly work with the Executive branch in the Senate to further demonstrate that this Congress stands ready to help those most affected by Hurricane Katrina.

Madam Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MARIO SCHULTZ), our colleague as well as lent a
hand in trying to see that our constituents were brought whole in this effort as well.

The chairman was specific in providing targeted relief for those that were directly impacted by the storm, and we applauded that. No tax relief measure should be a grab bag for others to dip into simply because they thought they were close to a proximity of damage.

In this bill, we establish criteria that there is significant and real damage, not perceived or illusory, but real damage. Forgiveness of debt if, in fact, your home has been decimated and you have to discharge the mortgage obligation, relieving that would be a gain under the Tax Code for a person that has not only lost their home, had their mortgage foreclosed but is being considered by the IRS for gain on that asset simply because they got a forgiveness of debt.

Ability to reach into your IRA for the same relief in this emergency. The IRA is an important asset for future financial strengthening of all persons' assets. So we do not let people just go into the account, but it is strictly provided for on the case of emergency.

So this bill. The gentleman from Louisiana (Mr. JEFFERSON), my colleague, I know has suffered himself personally. We are delighted that we worked in a bipartisan spirit to bring about relief for the very people that have suffered so much.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Madam Speaker, let me thank the gentleman from Louisiana (Mr. JEFFERSON) for his leadership in focusing what we can do to help the victims of Katrina. I want to thank the gentleman from Louisiana (Mr. McCrery) for his leadership on the committee.

This is exactly what we need to do. Obviously, all of us were devastated by what happened with Katrina and the failure of our government to respond in a timely and effective way, and people who were vulnerable paid a very heavy price.

What this bill does is try to deal with the problems of the victims of Katrina by looking at our Tax Code. Our first priority today must be to help those who were devastated by Katrina, and this bill looks at the Tax Code to find ways in which we can be helpful. I applaud the specific provisions that are in it because I think it will help.

To deal with the practical problems such as residency, people who now live in different parts of the country would not comply with the technical requirements of our Tax Code on residency, which is required to take advantage of some of the tax provisions. This bill provides the needed relief.

Our colleague, the gentleman from Louisiana (Mr. JEFFERSON), talked about the Earned Income Tax Credit, a very important tool to help low-wage families in this Nation. This bill will make sure that those who are entitled to that relief, who were affected by Katrina will continue to be able to receive that help.

Along with the forgiveness of loans which is taking place, if we do not pass this bill, there could be tax consequences to that.

We provide incentives in this bill for individuals who have opened up their homes to take in those who are now without a home, and we provide full deductibility for personal casualty losses, as we should.

For job opportunity, we expand the Work Opportunity Tax Credit, as we should do, and we now make it easier for individuals to be able to give cash donations to the victims of Katrina.

Bottom line, Madam Speaker, this bill takes care of some of the practical problems that our Tax Code could not anticipate as a result of Katrina, and I want to thank the leadership on both sides of the aisle for expediting the process to bring this bill forward so that that can become a reality, to make it easier for those who were victimized by this horrible hurricane.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), another distinguished member of the Committee on Ways and Means.

Ms. HART. Madam Speaker, I thank the chairman and also the gentleman from California (Chairman Thomas) and the gentleman from New York (Ranking Member Rangel) and my colleagues of the Committee on Ways and Means for finding some creative and very practical ways to help the victims of Hurricane Katrina.

Since it was one of the deadliest disasters, one of the most destructive, in U.S. history, it has left countless individuals without the most basic needs, and the American people's response has been historic, with millions being donated in time and money, nearly $800 million already donated privately to the relief effort on top of government assistance.

Unfortunately, despite this outpouring, the people in the communities in Louisiana, Mississippi and Alabama still need help. This bill will help these families rebuild their lives in a number of different ways.

One, it will encourage even more private help from individuals. It encourages more cash donations by individuals allowing them to deduct more of the contributions that they give.

It will also encourage more deductions by corporations. Under current law, they can only deduct 10 percent of those donations. That is waived under this bill.

It increases the opportunity for people to provide more physical help by increasing the reimbursement rate for mileage for those who actually will spend their gasoline getting to places to help, ways that people can get involved personally.

Also, those who have had savings, who are going to need to tap it, who have been victims, are assisted in accessing their own money. It was mentioned earlier that people can access their IRAs without the penalty that they currently would have for accessing that money before their retirement. It is important for us to allow these victims access to whatever they can get, whatever assets they can get to help them get their lives back on track sooner.

I think it is the least that we can do to address some very simple but very practical issues via this bill.

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

Mr. McCrery. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. Thomas), the distinguished chairman of the Committee on Ways and Means.

Mr. Thomas. Madam Speaker, I thank the gentleman for the time.

I just want to remind Members, as we move forward with yet another piece of legislation which has taken a little longer to craft a bipartisan way, to make it easier for those who were victimized by this horrible hurricane to move more structural in dealing with the tax code, as we had indicated when we came back from our summer district work period, we will probably have another piece of legislation which will deal with more additional structural assistance that the taxpayer is going to have to craft dealing with the reconstruction portion of assistance.

I took the time at the microphone this morning to indicate to my colleagues how frustrating this process has been.

More than a week ago, this House moved swiftly, in a bipartisan way, to simply open up the pipeline that had money already in it as direct assistance to individuals under the targeted assistance for families, or the TANF program. That bill moved off the floor of the House without even a recorded vote, and it has not yet been taken up by the Senate.

The procedure of putting a hold on legislation, which is an individual or a group of Senators' way of stopping the process, has been exercised by Members of the Senate. And I want to indicate to people how outrageous that procedure is on a bill which should have been moved last week to assist people. I take the time on this floor to say this particular legislation, a bit more structured, we had an extra week to think it out, being moved again on a bipartisan basis should not be subject to a hold in the Senate.

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If the Senate cannot get its act together to move legislation, then simply allow the House's bipartisan effort to go forward. These people need help. That area needs help. The House has moved in a bipartisan way and the Senate has obstructed the movement of
needed legislation by allowing even in normal times the somewhat unseemly procedure of holds by individuals or groups of Senators, but on this legislation it is unconscionable.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the members of the Committee on Ways and Means for bringing this to the floor. As you know, south Mississippi, south Louisi ana suffered a catastrophe of biblical proportions; and there is really no other way to describe it. A 30-foot wall of water hit south Mississippi, resulting in the breaking of the floodgates in New Orleans.

Whole communities, the city of Waveland, it is pretty fair to say no longer exists. The city of Bay Saint Louis, probably 80 percent of the people in that town lost their homes. In par tions of Hancock County, in Pass Christian and Biloxi, there are entire blocks leveled, with one person not able to distinguish the parts of furniture from his house with the parts of furniture from another house.

I consider myself a deficit hawk. I have voted against almost every tax bill that came to this floor because I did not want to see the deficit go up by the $2 trillion it has. This is different. I felt that this bill took care of the wealthiest Americans. I think that this bill takes care of the neediest Americans. It is truly a step in the right direction when we have so much to do.

One of the fights that the gentleman from Louisiana (Mr. MCGRERY) and all of us from the affected area will have is to help those people who could never have conceived they would flood with their insurance needs. They had wind insurance. They are now being told it did not cover a flood, and places that had never flooded in recorded history of the Europeans coming to America flooded. They are being left out in the cold. We have to find a way to help them.

There is going to be, based on the Florida experience, a number, probably in the tens of thousands of people, who will be told by FEMA that their house has been 51 percent destroyed and, by regulation, it has to be bulldozed. And then it is complicated by, I am told, based on the Florida experience, the insurance companies who will go to them and say FEMA says there is only 51 percent destruction, so we are only going to give you 51 percent of what you thought your premium was. So if you had a $100,000 house, it is bulldozed; but you only get $51,000 in payment. We have to fix that. We cannot let that happen again. There are too many hard-working people who are looking to Congress for leadership.

I do say this, because I did vote for the war in Iraq and I share in the responsibility for every one of those Americans who were wounded there and everyone who died there, but on a daily basis we hire Iraqis to clean the streets, just to give them something to do and give them a chance at life. On a daily basis we are fixing sewer lines in Iraq. On a daily basis we are building schools in Iraq. We need to do for our fellow Americans what we so willingly do for others.

So I thank the committee for this great step in the right direction. It is such a, quite frankly, small step on such a monumental journey that we have to take; but it is at least a step in the right direction, and thank you for doing it.

Mr. MCGRERY. Madam Speaker, I can assure the gentleman from Mississippi that I agree with his remarks, and there will be more coming from this Congress.

Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), another member of the Committee on Ways and Means.

Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I thank my colleague from the Committee on Ways and Means for yielding me this time.

Members of this House from States directly affected by this natural disaster have come to this floor and spoken eloquently and movingly of the needs their constituents have. Just as with a natural disaster, distinguished partisan leaders, so too has this House moved forward to deal effectively and, yes, as a consequence of the Tax Code and the nature of what we do, methodically and sequentially to deal in a thoughtful and compassionate manner with what we confront as a people and as a Nation.

By the same token, Madam Speaker, Americans from coast to coast and beyond have opened their hearts, opened their homes, and opened their pocketbooks to help fellow Americans in need. And as these are the worst of times for so many affected by this natural disaster, in many ways the best of America comes through with this compassionate impulse to help others. Fittingly and properly, many of the actions we take in this legislation are targeted directly at the people whose lives have been changed and affected by this storm, but also we take into account the generosity of fellow Americans. We are encouraging cash donations by individuals and by corporations, and moving in a way to encourage yet more giving by the incredibly compassionate people known as Americans is something that I think captures the spirit of our nation and it is exactly what I believe will go a long way in Americans helping Americans and this House, as a collective body, reaching out to help those Americans most in need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding me this time and for his courtesy in permitting me to speak on this proposal. I applaud what the committee has done, moving forward with a specific tax relief that is going to make a difference for people in this devastated area.

I am hopeful that this will signify the start of a creative effort on the part of a number of committees, people on both sides of the aisle, to figure out ways that we can have assistance that is commensurate with the challenge and, in fact, employs some of the techniques that we have used in other parts of the world.

We visited the tsunami-ravaged area days after that devastation, and we saw on the ground people in Indonesia, in Sri Lanka, and in Thailand that were being put to work virtually overnight with a work program that had people doing essential labor-intensive work that made the community better so that the recovery could proceed.

I would hope the creativity, ingenuity, and bipartisan spirit demonstrated by the Committee on Ways and Means on these important provisions could be extended to other committees, other parts of our organizational efforts here to have a program so that every able-bodied person in America who wants to be able to work restoring their community is given that opportunity. It will be far cheaper in the long run than employing expensive contracts from people out of state and to give people a sense of ownership and involvement, and it will get money circulating in those devastated local economies.

Madam Speaker, I am hopeful that we will be able to use this opportunity to bring other people together for a planning effort that involves the people in Mississippi, in Alabama, and in New Orleans, because we are going to be putting at least another $100 billion on the ground. We ought to make sure that this is not just a monument for rapid Federal reaction. It should be a model, for the very first time on this scale, taking this blank slate and working with the people who had their lives turned upside down, and making them full partners in putting the pieces back together.

Mr. MCGRERY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a distinguished member of the Committee on Appropriations.

Mr. WICKER. Madam Speaker, I thank my friend for yielding me this time.

Mr. BINGaman. Forces have been marshaled from across the Nation and, indeed, from around the globe to assist in the relief and recovery from Hurricane Katrina. But the biggest asset in
this effort is not the Federal Government; it is the generosity of our fellow citizens. From the corner lemonade stands to the corporate board rooms, people are opening their hearts, homes, churches, and their pocketbooks to assist in the relief efforts. Donations continue to pour in to countless governmental organizations and to the faith community as we begin to take stock in the breadth of Katrina’s destruction.

According to the 2004 generosity index based on IRS statistics, Mississippi is the most charitable State in the country. Now we find ourselves in need of charity. It is something we take great pride in back home, that we are the leader in generosity; and with that in mind, I am thankful to see that the provisions of H.R. 3724, the charitable donation legislation I introduced last week, have been included in the relief package.

Under current law, the amount of individual or corporate deductions is now capped. This bill includes provisions to lift those caps for Katrina-related donations. In doing so, we are unleashing the awesome power of the American public and our capacity to care for our own.

This past weekend, I was part of a caravan of trucks and vans loaded with supplies from north Mississippi to several churches in the ravaged portions of my State. While I saw the pain on the faces of those who had lost so much, I also saw a determination that is strong among our people. We are already working hard on recovery and rebuilding. Spurred on by the compassion and generosity of so many Americans. This bill will help provide individuals affected by this tragedy with the charitable assistance they need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), a distinguished member of the Committee on Ways and Means, whose family has donated generously to our food relief efforts in the affected area.

Mr. EMANUEL. Madam Speaker, I would like to thank both my colleagues who serve on the Ways and Means Committee who are from Louisiana and the affected area.

As you look at the overall part of this bill, both from the charitable piece to also helping the families, whether that is on debt forgiveness, dislocation as relates to building a home, and also their own family income or casualty loss, Illinois, the State of Illinois, whose family has donated generously to our food relief efforts in the affected area.

Mr. SOUNDER. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. McCCHERRY. Madam Speaker, I thank the gentleman from Louisiana (Mr. McCCHERRY), the gentleman from Louisiana (Mr. JEFFERSON), and I rise in support of this bill, but I would like to make a cautionary point. I have been a long advocate of the charitable points in this bill, and I think they are very important. And yet, if we did not have charitable giving diverted from people all over America into New York City.

If the giving is not sacrificial above and beyond what you already give, there are going to be children who are hungry, people without homes, people who cannot get the drug addiction assistance, juveniles who cannot find a place to go, people who cannot get immunized all over America as the money just pours into one region. Sometimes the unintended consequences of giving a preferential advantage in charitable deduction to others can drive this trend even more.

As I have talked to different groups in my district who have poured down into this region, this is not a 3-month project or a 2-day project, this is going to be 7 to 9 years as they reorient their lives and work with them in the future on the things that they need. We need to make sure that the broader Charitable Giving Act is passed as well so that we do not dry up charities around the country and other people who are hurting in other areas are abandoned.

I strongly favor all the incentives in this bill. I believe we absolutely need to do it in this region, but we also need to make sure that the same charitable options are there for the rest of the country, where they are not getting $60 billion of assistance and probably $200 billion more that is desperately needed. Because if you are hungry, if you are hurting, it is the same no matter what city you are in, and we need to make sure that this charitable giving applies to the whole Nation, not just here. I am strongly in support of this, but I fear that we can add an additional bill so we do not have an unintended consequence coming out of this bill.

Mr. JEFFERSON. Madam Speaker, I yield myself the balance of my time. I again want to thank my colleague from Louisiana (Mr. McCCHERRY) and others who have worked so carefully on this bill. This has been an important debate, an important discussion about where this Congress is going and how it is helping out and the generosity of this Congress as we tackle these important issues and the difficult issues back home.

To those who say this is not a huge step forward, I should say to them that it is huge for the people who are involved. We take to heart the remarks made by Mr. EMANUEL, the bill that he and Mr. OBAMA are pushing to get this relief out fast. I think it is very important.

This is a huge step, but it simply is not the last step. It is far from the last step in providing relief to our region. We want this Congress to walk along...
with us as we make one step after another toward realizing the vision of re-storing our area and rebuilding it to a new, better, higher place.

I look forward to this walk with this Congress over the next months and years. I hope that we will stay engaged as fully and forcefully in these early days throughout this lengthy process.

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

Mr. McCREERY. Madam Speaker, I yield myself the balance of my time.

I would be remiss if I did not thank the Bush administration, the Department of Treasury and the IRS for administratively doing great many things that they could do without legislation to make sure that the needs of the victims of Hurricane Katrina are met via-a-vis the Tax Code. I want to thank the administration for their important work on this subject as well.

I also want to reiterate my thanks to the gentleman from Louisiana (Mr. Jeffery) for working so closely with me and my staff to craft these very important individual tax provisions that, thanks to the leadership on both sides of the aisle, we have been able to bring to the floor in such a speedy manner.

Lastly, I would thank the chairman of the Committee on Ways and Means for lending the full support of his staff to this effort over the past couple of weeks. That will continue for some time to come.

I urge all Members to support this important legislation and get this needed relief to individuals who were affected by Hurricane Katrina.

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

The SPEAKER pro tempore. Is there an objection to the request of the gentleman from California (Mr. DREIER)?

Mr. McCREERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 437. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCREERY. Madam Speaker, I yield myself such time as I may consume. I am Speaker of the House of Representatives. I believe that the Constitution vests this responsibility with us. I am ready to accept the challenge as a Member of the House of Representatives. I believe that we have already started this work. Last night, in the Committee on Rules, many of my Democratic colleagues asked excellent questions. The gentlewoman from New York (Ms. Slaughter), my friend from Rochester, asked very thoughtful and important questions that need to be raised. I noted that the gentlewoman from Sacramento, California (Ms. Waters) and the gentlewoman from New York (Ms. Slaughter) each will control 30 minutes.

The CHAIR recognizes the gentleman from California (Mr. Dreier).

Mr. McCREERY. Madam Speaker, I ask unanimous consent that all Members who may have 5 legislative days within which to revise and extend their remarks on H. Res. 437.

SEC. 7. DISSOLUTION AND DISPOSITION OF RECORDS.

(a) The select committee shall cease to exist 30 days after filing the report required under section 3.

(b) Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 439, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. Slaughter) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. McCREERY. Madam Speaker, I ask unanimous consent that all Members who may have 5 legislative days within which to revise and extend their remarks on H. Res. 437.

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is Arnold Schwarzenegger, I should say for the RECORD. But Pete Wilson testified before the Senate Committee on Homeland Security and Governmental Affairs. It was a hearing that they held on recovering from Hurricane Katrina, and he did this to share his experience and tell the establishment of something learned from dealing with many, many very, very difficult challenges, disasters that we faced in California, earthquakes, fires, mudslides, the devastation that we faced.

I want to tell Members that Pete Wilson handled every single one of those challenges in his 8 years as governor extraordinarily well, and we learned tremendously from the tragedies that we faced in those instances.

As he said, obviously while nowhere near the scale of Hurricane Katrina, and we all know that Hurricane Katrina has been described as the worst natural disaster to ever hit our country, some of the things that were faced in California, there were terrible California floods in January of 1997 that resulted in eight deaths, the evacuation of 55,000 people, relocation of 55,000 people to 107 shelters, damage or destruction of 30,000 residences and 2,000 businesses, and total damage estimates at about $2 billion. That in 1997.

I talked earlier today, during the rule committee establishment of this committee, about the Northridge earthquake in 1994, and it resulted in 51 deaths and injured over 9,000 people, left 22,000 people homeless.

The interesting thing, as we look at these figures, is we all know that they pale in comparison to the tragedy of Hurricane Katrina. But, Madam Speaker, I will tell the Members that these were learning experiences for us. One of the things that was most impressive to me about the things that we have already found here to be very beneficial was the fact that the private sector has stepped forward and is in many ways doing things the government cannot do. And I think it is often joked about the fact that the private sector is there, ready to meet a need, a need that the government in no way could meet.

We know that for an emergency response like that we faced, clearly the government had to step in. When I say government, I am talking about local government, the State government, and the Federal Government as well. The Federal Government, obviously, is not the first. It is really the last step. We know that State and local governments have the responsibility to make those recommendations to the Federal Government and then bring them in. We also know that at virtually all these levels of government, we have heard the leadership, from President Bush when it comes to the Federal Government, to Governor Blanco in Louisiana, state that things were not handled as well as they could have been; and both President Bush and Governor Blanco, Republican and Democrat, have taken responsibility for dealing with this situation.

I mentioned the fact that we learned things, and I mentioned the private sector. And one example that I like to point to, and one that goes right here, is in the 1994 Northridge earthquake, we had the Santa Monica Freeway collapse over La Cienega Boulevard. The Santa Monica Freeway is the most traversed interstate in the country. A quarter of a million vehicles a day go on that freeway right over the La Cienega off-ramp. And the earthquake took place in January of 1994, and I happened to be there, and one of the police officers let me go up, and I actually took a chunk of the Santa Monica Freeway. This has been sitting in my living room out in California for a long period of time. Most people think it is a piece of the Berlin Wall, but it is actually from the Santa Monica Freeway. We can see the rebars here, and it is obviously the freeway itself. And when it collapsed, we saw Southern California, clearly the most populous spot in the Nation, come to a standstill because of the importance of Interstate 10, the Santa Monica Freeway there.

Some projected that it would take as much as a year or 2 years to repair this freeway that had collapsed over La Cienega Boulevard. And Governor Wilson stepped up to the plate and did everything he could to give the incentive to ensure that it got completed. He wrote a piece on this the day before yesterday in The Wall Street Journal in which he referred to the fact that people said it would take a long period of time.

They looked and established this contract with the Myers Company and they were told that they would have a $200,000 fine for every day beyond what they had contracted for if they did not complete it, but they got a $200,000 bonus, for every day that they got this completed earlier than had been projected.

As I said, some predicted it would take a year or 2 years to complete this. Madam Speaker, in 66 days the Santa Monica Freeway reopened, working 24 hours a day, 7 days a week. This is the kind of incentive that we need to put in place to ensure that they deal with this circumstance. And, ironically, Interstate 10, the exact same route that is going into New Orleans, that collapsed following Hurricane Katrina and the breaking of the levees.

So I think that we have the ability to respond, to deal with this, and the United States Congress is in a position to make sure that we look at encouraging the most creative ways to address this challenge, look in a bipartisan way at these problems.

And we have set guidelines. We have got deadlines. But, obviously, if it is necessary, those can be moved if it is essential. But we have a desire to ensure that, as an institution, we come together as the elected representatives of the American people to do our job. And I am convinced that we are going to have the ability to do that, and we look forward to seeing Members of both political parties join this very important effort, and I am convinced that they will be able to look at all levels of government and the private sector and get to the bottom of that.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, high talk from the majority follows the abysmally low performance of the Federal organizations that they oversee and that our people trusted to protect them in their hour of need. And today we are told it is our constitutional duty to find out why the government was so unable to protect life here at home during and after Hurricane Katrina.

I would like to ask our friends on the other side that one of our constitutional duties as representatives of the will of the people is actually to represent the will of the people of the United States. So let the record show that as of today, according to the Republican leadership, political parties of the American people no longer matters.

The fact that 76 percent of the citizens of our Nation want an independent commission to investigate the Katrina disaster does not mean a thing. The fact that over 60 percent of Republicans want an independent commission does not register with them either. Apparently, the people of the United States are to be patted on the head and told, Do not worry. We will find out what happened here.

The fact that thousands of men, women, and children are dead; the fact that hundreds of thousands more have become evacuees in the richest country in the world shows that we do not have anything under control. The fact that we cut corners and underfunded those responsible for maintaining the levees that protected New Orleans by tens of millions of dollars only so that later thousands of lives would be needlessly lost. The fact that we do not have anything under control.

This is the kind of incentive that we need to put in place to ensure that they deal with this circumstance. And, ironically, Interstate 10, the exact same route that is going into New Orleans, that collapsed following Hurricane Katrina and the breaking of the levees.

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leadership of the majority. The idea of having a truly bipartisan commission to investigate the tragedy was never seriously entertained. If it was, joint subpoena power would exist in this bill, as would joint control of the committee's time, scope, and direction.

Instead of the platitudes promising cooperation and shared power have filled this hall, leaving no room for a resolution calling for either a truly bipartisan committee or, what would be infinitely better, the creation of an independent commission which would actually eliminate politics from what will otherwise be an incredibly politicized investigation.

All of this is obvious to nearly every observer, and yet the leadership tells the Democrats if we are objecting to their Republican-first agenda, we, the Members of the minority, are being partisan. Apparently, in the wake of disaster comes hypocrisy.

Along with its assurances of a fair and honest investigation of the failures of the Federal response to Katrina, assurances which are the product of wishful thinking as opposed to a sincere review of recent history, the majority puts forth empty arguments in favor of this bill.

We created the Department of Homeland Security and FEMA, so only we can investigate it, they argue. That means that this leadership also helped to create the systemic problems which caused the failure. What exactly is their incentive to publicize what happened on the gulf coast?

There is only one explanation for it. Dare I say this absurd stance is control. The majority wants to keep the investigation under its control so it can make sure that the answers that the committee produces toe the party line, and that is where I envision the real political considerations when Americans are dying and are homeless, that, and only that, is an abdication of our constitutional responsibilities as Members of this Congress.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, before I yield time to my friend from Pasco, I would just like to say over the last 24 hours I have been hearing about this ABC/Washington Post poll to which my friend from Rochester has regularly referred, and I have actually taken the opportunity to look closely at the poll itself. We all know that when one looks at a public opinion poll, it depends on how the question is asked. We continue to hear that 76 percent of the American people support an independent commission and they do not want Congress to take this action. Madam Speaker, I talked at the poll itself, and I would like to enlighten my friend from Rochester, if I might. Question No. 19 says: "The Republican leaders of Congress have called for a full-scale congressional investigation of the government's hurricane preparedness and response effort. Apart from this investigation, would you support or oppose an investigation by an independent commission like the one that investigated the 9/11 attacks?" Seventy-six percent support that. Well, of course, who would not support that? Who would not be supportive of that notion? But we continue to hear that somehow the American people oppose having Congress do its job and they only want this independent commission of unelected people to do their job.

Then one has to look at Question No. 18 just before that. And I hesitate to raise this, but the fact that this public opinion poll has been continually utilized is the reason I come to consideration of our legislative proposal here. Question No. 18 says: "Do you think Democrats who criticize the way the Bush administration has handled the hurricane response mainly want to find out what went wrong or mainly want to use the issue for political advantage?" And, Madam Speaker, 60 percent said that Democrats want to use this issue for political advantage rather than trying to get at what went wrong.

I would have never brought this up, Madam Speaker, had I not heard that 76 percent of the American people are opposed to having Congress do its job and would want an independent commission.

Madam Speaker, I yield 3 minutes to the very distinguished gentleman from Pasco, Washington (Mr. HASTINGS), subcommittee chairman from the Committee on Rules and the chairman of the Committee on Standards of Official Conduct.

Mr. HASTINGS of Washington. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise today in support of House Resolution 437 to establish a select bipartisan committee to investigate the preparation and the response to Hurricane Katrina.

Madam Speaker, Congress has an important constitutional role to play in providing oversight to the executive branch and Federal agencies. But more importantly, Congress has a responsibility to the people we represent to investigate the preparation and response efforts to Hurricane Katrina and make recommendations on how we can better prepare and respond to disasters in the future.

Madam Speaker, some of my colleagues on the other side of the aisle oppose the idea of a bipartisan congressional committee held accountable to the people and by the people who elect us. But, Madam Speaker, a bipartisan investigative committee held directly accountable by the people is exactly what is needed.

Because we never know when or where the next disaster will strike, it is vital that Congress move swiftly to investigate how local, State, and Federal governments, along with the private relief agencies, can better communicate with one another and coordinate the relief efforts. America must be better prepared to handle disasters in the future.

Madam Speaker, I am saddened that hours after Hurricane Katrina rescue and recovery efforts began, lawmakers were publicly pointing fingers rather than focusing on how to help the victims. Clearly, in hindsight, there are things that could have been done better. Only now that victims have been rescued and their immediate basic needs are being met is it appropriate that an investigation of what happened begins.

The issue is not whether Hurricane Katrina caused great devastation, the magnitude of which becomes more evident every day. But, Madam Speaker,
one of America’s greatest strengths is our long-standing tradition of pulling together in times of need. I am proud that in my home State of Washington, which is located 2,500 miles from Louisiana and the gulf coast, families are reaching out to help those affected. Communities are collecting food, clothing, and cash donations. For example, Washington apple growers have contributed truckloads of world-class apples to people living in Mississippi and other affected areas and throughout America. Families are opening up their homes, businesses are employing dislocated workers, citizens are traveling to the gulf coast region to help with recovery and rebuilding efforts, and schools are teaching children who have been displaced from their schools, homes, and friends.

America has been challenged by natural disasters in the past and will no doubt be challenged by disasters in the future. Only by Republicans and Democrats working together in a bipartisan fashion will the best interests of our Nation prevail.

Madam Speaker, there is much to be learned from this disaster. We must examine what worked, what did not, and what we need to do to be better prepared. The primary focus of this bipartisan investigative committee should be to ask the root of this problem. As a member of the Louisiana delegation, I am not interested in polls. I want prudent deliberation, and I want substantive action. Congress has the obligation and duty to act. I support the resolution to provide the American people with answers. The investigation must be expedient and thorough, without interfering with the recovery efforts. The idea of an independent commission is not the best option.

It is the responsibility of Congress to look at the Federal agencies this body created to respond to disasters. It is the responsibility of Congress to identify the deficiencies and correct them. As a result of the 9/11 Commission, Congress responded with legislation based on their recommendations. Now is the time for Congress to provide scrutiny on how the law was implemented.

Mr. DREIER. I yield to the gentleman from Mississippi, Mr. BOUSTANY, an- other individual who was victimized by Hurricane Katrina.
from impacted regions must have a participating voice in the investigation to provide firsthand knowledge of frustrations and impediments that our offices confronted. It is urgent that deficiencies in command, control, communication, and response be corrected. A bipartisan, bicameral congressional committee for oversight and investigation is the first step.

I urge my colleagues to support this resolution so that Congress can exercise its duty and obligation to the American people. I want to give the resolution so that Congress can exercise its duty and obligation to the American people, to provide firsthand knowledge of frustrations and impediments that our offices confronted. It is urgent that deficiencies in command, control, communication, and response be corrected. A bipartisan, bicameral congressional committee for oversight and investigation is the first step.

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

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, I rise in strong opposition to this partisan resolution that spits in the face of the American people's call for a robust, independent inquiry that is independent of politics.

Yesterday's report by the 9/11 Commission provides data to back up what every American learned by watching the government's dismal response to Hurricane Katrina: that 4 years after 9/11, our Nation is still not prepared to respond to a major crisis, in this case a disaster that had been predicted, game-played in an exercise run by FEMA, and which we knew about 24 hours in advance.

As the relief and recovery process continues and the rebuilding process begins, the American public must have complete confidence that their government is up to the task. Unfortunately, the Republicans have chosen to play politics and flout the will of the American people by instead proposing a select committee that is not bipartisan, that will not have an equal number of Democrats and Republicans, and will not have bipartisan subpoena power.

Let us be honest. How can the American people trust this Congress to not only investigate this administration but also Congress itself? Because the actions of the Congress are definitely one of the things that needs to be investigated. The Republican Congress was responsible for cutting the budget of FEMA and the funding for the levees around New Orleans. An outside evaluation of Congress's actions is needed, not at this moment, but at a later time.

Can the American public all of a sudden expect the Congress to investigate this administration after 4 years of basically no congressional oversight? Yes, the rules of the House have been used to stifle honest, robust inquiry. This is the Republican Congress that has not conducted true oversight hearings into the decision to go to war in Iraq, the lack of a success strategy in Iraq, the outing of a CIA operative, among many others.

So let us lock our heads in the sand and pretend the government has handled the recovery well and basically do nothing, or can we appoint a truly independent commission to help avoid these mistakes in the future. The vast majority of the American public supports the establishment of an independent, bipartisan commission so that the inquiry focuses on the facts instead of getting bogged down in partisan politics.

That is why the gentleman from Florida (Mr. HASTINGS) and I introduced legislation to establish an independent, bipartisan commission modeled after the successful 9/11 Commission. Republicans on that committee, he will be able to participate in determining who testifies before that committee.

So we are in this together, Madam Speaker, whether Members like it or not.

Again, I do not believe that Washington Post poll that the Democrats want to use this for political gain. I believe the Democrats, along with Republicans, want to find out exactly what has created this challenge at all levels of government and the private sector, with which we are contending at this point.

Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, reading the resolution, it simply says that there is hereby established a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina. It is so much we can learn, so many missteps, but so many things that were done right. And I think it is time for us to come together.

I have served in this body now 25 years; and in that 25 years, a little over half of it was under a Democrat House and Democrat leadership, Tip O'Neill, Jim Wright, three Speakers in all on the Democrat side. And I can tell you, the ratio of this committee, we would have just rejoiced in getting 9 out of the 20 spots during that period of time. I think it is tremendously fair, and I think the Speaker has been very fair in what he has talked about.

Now anyone in this House that would suggest that any Member of this House or any Member of either party would whitewash or push something under the rug that could mean the life and death of the American people or the destruction of property because it is politically expedient, I just cannot imagine that possibly happening.

There is going to be good people appointed to this committee, and they are going to be people that really care. And I think after they look at it and after this report comes out, the American people would have faith once again in their Government.

You know, criticism has always been made suggesting that Congress cannot have oversight over the laws that we pass ourselves. Who do you do every day? We do that in committees every day. We hearings. I do not care whether it is a Ways and Means Committee, the Appropriations Committee,
Transportation Committee, whatever committee we are talking about, we are constantly examining and reexamining the laws that we have passed and the laws that have been passed by previous Congresses. That is our job. That is what we are supposed to do. And we have to do this because we are supposed to make sure that we need to push this off to some independent body and not do it ourselves does not make a whole lot of sense.

And, by the way, one of the recommendations that came out of the independent body from 9/11 was to put FEMA under Homeland Security. Now everybody is clamoring, saying that was a mistake. I think it was a mistake, and I think we need to very closely examine what we are doing.

We need to do something else, too. We have appropriated an awful lot of money to be spent down in that area, and we are going to appropriate a lot more. I think the President estimated that it could be $200 billion. And we have to watch and see how that money is being spent.

We saw FEMA make some big mistakes in the past down in Miami-Dade County, where they were paying for funerals last year where there was not a hunk of bone anywhere there was not even a corpse. They were paying for all kinds of things, and that area should have been actually taken out of the disaster relief area when it was passed.

So this committee has a big, big job; and it should be done in the Congress. I do not want an oversight committee, independent of the Congress, not elected people, that are overseeing it and seeing how this money is being spent, $200 billion of American taxpayers’ money.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).”

Mr. HOYER. Madam Speaker, Democrats hold the majority in the House. And we want to make sure that the Federal Government is being held accountable.

We saw FEMA make some big mistakes in the past. We have spent a lot of money; and, thirdly, we want to make sure that there is oversight. It is important that we have oversight on the money that we are spending, a lot of money; and, thirdly, we want to have an oversight, meaningful, in depth, honest, searching, courageous as to why the Federal Government was so inept in its response and so late.

The good news is that the men and the women of the National Guard, the Coast Guard, the Federal Government are now acting so courageously and effectively. That is what we want, and that is why we oppose this bill which would create a partisan congressional committee to investigate the inept Federal response to Katrina. Because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

I will ask my friend who chairs the Rules Committee, who used to come to this floor on a regular basis and say, when Democrats were in the majority, why will you not allow us to consider an alternative? Are you afraid that the majority of this House will say, yes, a commission is the right way to go? Are you afraid that you cannot keep your Members in line? Are you afraid and therefore do not give us an amendment, do not give us a motion to recommit the bill to the floor?

What is the fear? It is the fact that you are so focused on not having meaningful oversight, of keeping it in-house, of not having independence, that you do not allow us and the American public’s representatives to have that alternative? And the question is, therefore do not give us an amendment.

Ladies and gentlemen, oppose this resolution and continue to demand an independent commission, just as the American people want. We did it with 9/11. We can do it with Katrina. We can do the work that the people expect us to do. Vote against this resolution.

Madam Speaker, let no one be mistaken about why Democrats oppose this legislation. We oppose this bill—which would create a bipartisan congressional committee to investigate the Federal response to Hurricane Katrina—because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

We are not alone. In fact, a Washington Post-ABC news poll revealed this week that 76 percent of Americans support an independent commission.

Some Republicans support such a commission, as well. Just this week, the Republican Senator Vitter of Louisiana—whose constituents were directly affected by this devastating hurricane—expressed his support for a commission.

Yet, Madam Speaker, this Republican majority today has denied Democrats the opportunity to even consider the bill offered by Mr. HASTINGS, which would create such an independent commission to investigate the local, State and Federal response.

Let’s be clear: There is not bipartisanship coming from the other side of the aisle regarding the creation of real oversight.

The Speaker and Senate majority leader announced this proposal without even consulting Democrats.

The reality is, if this Republican majority were charged with investigating the actions of a Democratic administration, there is no doubt in my mind that its oversight would be real and vigorous. But as the columnist David Broder pointed out recently: “Majority Republicans see themselves first and foremost as members of the Bush team—and do not want to make trouble by asking hard questions.”

This majority has refused to conduct oversight over this administration during the last 4 years.

Why should we believe that it is prepared to fulfill its constitutional responsibilities now? We have no basis for believing that. And, that is why an independent commission is needed.

I urge my colleagues to vote against this bill.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2 1/2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Homeland Security Committee and ranking member of the First Responder’s Committee.

Mr. PASCRELL. Madam Speaker, and so it continues. This is a partisan, counterfeit commission if I have ever seen one proposed today, and I have two simple questions: Will the administration escape accountability? And the second question is this: Will the administration get away with another failure?

Please note the word “escape”. In fact, if you look in the Bible, the Old Testament, Leviticus, chapter 16, verse 8, we find the origin, the etymology of the word scope goat, the goat that departs.
In scripture, you had two goats. One was sacrificed for our sins; the other escaped, was let go. That is from the English word scape, the Old English, a form of escape.

So, Brownie, he was sacrificed, and yesterday all of his minions resigned, all of these people that were hired. We better have an objective view of what happened. We better have an objective view, or else we are never going to get to the truth.

This is the most redactive, the most secretive administration in the history of the United States. It has nothing to do with political partisanship either. None whatsoever.

We have seen it repeatedly. This is the administration that can show negligence, ineptitude, and dangerous arrogance without ever enduring the burden of even limited liability. Policy disasters abound, yet culpability is never encountered.

No one who has followed the workings of this body believes that a commission made up of apologists will ever hold the administration accountable for anything.

This is far too important for business as usual. I implore my colleagues to vote against the bill, to demand the creation of a truly independent commission. It worked 4 years ago. It will work now.

I do not think there is anything wrong with this. And when you talk about subpoena, the majority will have the right to oversee whether we can subpoena particular people. This is phony. All we ask for is to let us come together. We agree we need to send help down there. We are doing our best, both sides of the aisle.

Let us have an independent view of what has happened and what is going on. We are talking about people’s lives here.

Mr. DREIER. Madam Speaker, coming together is what this is all about. This is a bipartisan committee that has been proposed by the Speaker, and we look forward to seeing those minority Members who are going to be part of this process.

Madam Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the very distinguished chairman of our Subcommittee on Budget and Process Reform.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a curiosity to see how our friends on the other side of the aisle have now discovered, it seems like they discovered the Mediterranean today when they say that independent commissions in their view, so-called independent commissions, are not political.

It is not by chance, Mr. Speaker, that the first article of the United States Constitution created the Congress, article I, Congress. Among the duties of the Congress, constitutional duties of the Congress, is the responsibility of oversight.

When a so-called independent commission is created, we have to ask ourselves, who funds the independent commission? Congress, created by the first article of the Constitution with the duty of oversight.

Who appoints, Mr. Speaker, the so-called independent commissions? Congress or if Congress authorizes the President, the President authorizes. The decision is ours. Ours is the duty under the Constitution to investigate. Ours is the duty to carry forthwith oversight.

What we are doing today is trying to do our duty in creating a bipartisan committee of this House with the solemn obligation of investigating this tragedy, this ongoing tragedy that is going on now in the Gulf States, and to do so as soon as possible.

I am proud of the fact that the House is bringing forth this measure today, proud to support it; and I ask all of my colleagues to do so as well.

Mr. WAXMAN. Mr. Speaker, I want to address the House on this subject that is before us today. I have served in the Congress for 19 in the majority, the last 11 in the minority, so I have seen life from both sides. And let me tell you, today is one of the low moments.

We have just experienced a national tragedy that has caused immeasurable pain to countless Americans, and yet here in the House of Representatives, nothing seems to have changed. The House is not rising above raw partisanship even in a time of national tragedy.

There will have been a bipartisan commission which I would like to remind my colleagues led to enactment of legislation that helped this country protect itself in the White House in order to punish her husband who was critical of the Iraq war? No, no hearings on that.

The actuary working for this administration withheld from Congress on the costs of the Medicare prescription drug bill. Should we not examine what happened? Both Republicans and Democrats were denied the facts before we voted on the bill. No, nothing on that.

We had more hearings when the Republicans were in the majority than was a Democratic administration on whether President Clinton misused his Christmas card list for political purposes.

That meant 7 or 8 days of hearings. But we cannot get hearings on these important subjects. And now we are told there is a bipartisan committee, a select committee, that is going to look into this matter.

Well, if you really wanted bipartisanship, I say to my Republican friends who run the House, you need to at least talk to the Democrats. Make an effort. But when you do not make an effort and you have a record of abusing the power that you have in running this institution and ignoring the oversight responsibilities on really important matters in order to protect a Republican administration from possible embarrassment, we have no confidence whatsoever that we are going to get to the facts of what went wrong in dealing with Hurricane Katrina.

We need to rise above this raw partisanship and join together, if not on an independent commission which I think makes the most sense, at least on a committee that is equally divided, with the powers equally divided, where the intent is to work together. But we looked at what is being proposed, and the only conclusion that many of us can reach is that this is going to be a committee to pretend to do an investigation but not find out the truth.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Emanual).

Mr. EMANUEL. Mr. Speaker, following Hurricane Katrina there are many questions that must be answered. To answer them this body should create a bipartisan commission of experts to investigate the failures and flaws of the system just like we did after 9/11, where I would like to remind my colleagues led to enactment of legislation that helped this country protect itself because the process had integrity.

The enacting and recommended legislation also received bipartisan support. The purpose of a 9/11-like independent commission is not to fix blame, but to fix a problem. And what we are debating today is not sufficient because if it were truly bipartisan, it would be bipartisan from this point of origin. And the beginnings of this commission, or the House-Senate committee, do not bode well for what was intended as a bipartisan effort by both Democrats and Republicans to find out
Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE). (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I never rose on this floor addressing the question of Hurricane Katrina without thanking all of the enormous outpouring from Americans of charity and concern, particularly commenting on my city and my State that were flooded by 245,000 survivors into the State of Texas and now close to 100,000-plus in Houston, in my congressional district and other congressional districts in the area.

One of the first things I did in visiting those survivors in the Astrodome was to apologize on behalf of the Federal Government. Each meeting I subsequently went to and each time I was able to touch a survivor or hear their story of pain, I again apologized for the complete, complete, complete loss of confidence of our ability to deploy in advance of Hurricane Katrina, to be able to be on the ground with resources whether they be the National Guard or the military or FEMA or anyone else that might have contributed to the saving of lives or, in fact, providing the survivors with a pathway out of Mississippi or Alabama or New Orleans.

So I accept and respect the apology and the acceptance of responsibility by the President, by the Governor and anyone else that should do so, because the Federal Government is a safety net; and I think Americans understand that. But, Mr. Speaker, moving checkers on a checker board is not, I do not understand that. But, Mr. Speaker, moving checkers on a checker board is not, in fact, a solution to our problem. So we cannot make, if you will, anew history.

The idea of a commission similar to the 9/11 Commission speaks volumes for the accuracy and the responsibility that so many elected officials have spotted to me, not just one, 1, and to the 9/11 Commission working in a bipartisan fashion, equal numbered in population, if you will, reflecting different views, was able to bring out the dirty laundry but also the good points. They reminded us that one of the key elements of failure in 9/11 was the lack of interoperability. As a member of the Homeland Security Committee of the Congress, I believe a 9/11-type Commission for Hurricane Katrina would pay tribute to the survivors and deceased alike and provide America with the necessary truth.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from Connecticut.

The citizens of Louisiana, Mississippi and Alabama deserve nothing less than what this Nation received with an independent commission, one that was heralded for its results and for its independence and its ability to work together. It served as both healing the Nation and bringing people together.

The citizens of those States, the residents of the city of New Orleans deserve the same as the great City of New York. The citizens who were stranded in the Superdome or in the convention center deserve nothing less than what this Nation received with an independent commission.

The spouses of so many of our Members, who have not been recognized at all, deserve nothing less than to make sure the efforts that have gone on around and around and around and the answers that everybody seeks are provided by an independent commission, an independent commission blessed by both the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI), coming together in the way that we should as a country.

We all stand prepared to work together. The citizens of Louisiana and Mississippi and the great City of New Orleans deserve nothing less.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the United States of America has gone through the worst natural disaster in our Nation’s history. Time and time again, we have been hearing people say that. It is unimaginable what people have gone through. I have to admit I cannot imagine the suffering. I have seen it on television. I have heard it reported by my colleagues on both sides of the aisle who have been victimized themselves, but it is impossible, it is impossible to imagine how horrible it was.

We do know one thing, both President Bush, Republican, and the Democratic governor of Louisiana, Governor Blanco, said that mistakes were made
leading up to Hurricane Katrina and mistakes were made in the aftermath of Hurricane Katrina. Everyone has acknowledged that.

We have an opportunity, we have an opportunity to come together, as we have in previous disasters, to work with all of our colleagues in the other body, to come together with a committee that will allow Members of both political parties to raise any question that they want to, to allow this committee to have the authority to subpoena witnesses, bring them forward. I have to say that it is very obvious to me that this is our chance to do it.

We are dealing with a hurricane right now in the Carolinas. We are dealing with other potential disasters on the horizon. I believe I have a responsibility to the people whom I represent, I have a responsibility to all the American people, just as we all do, to make sure that the problems that we faced leading up to and in the aftermath of Hurricane Katrina never happen again. Many Americans, Democrat and Republican alike, want to see that we are able to address those concerns. That is exactly what the establishment of this commission will do.

I am perplexed, Mr. Speaker, with the arguments that I have heard from my colleagues on the other side of the aisle. They want to increase their level of participation, they want to be able to get to the bottom of this, and yet they are saying let us give up our responsibilities under article 1, section 8 of the Constitution that charges us with this duty.

This is our responsibility. This is a very important part of the reason the American people elected us as representatives, to come here and do their bidding, to do their job, to make sure that we find the answers to these very important questions.

I hope that we will be able to have that sense of solidarity, and so I am saying to the gentleman from Illinois (Speaker HASTERT), I know that he looks forward to having our colleagues on the other side of the aisle appointed, along with those who he will appoint to serve on this very important committee, and with that, with our quest of trying to ensure that we never go through what we have gone through in the past several weeks, I urge support of this very important resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 437, establishing a select bipartisan committee to investigate the preparation and response for Hurricane Katrina.

We have all spent much of the past two weeks witnessing and examining the aftermath of this catastrophic disaster. It has become increasingly clear that local, State, and Federal Government agencies failed to meet the needs of the residents of Louisiana, Mississippi, and Texas. It is Congress's job to figure out why, and to make sure we as a country are better prepared for the future.

First and foremost, our thoughts and prayers go out to the hurricane's victims, their families, and the loss of life, of property, of livelihoods and dreams has been enormous. And we salute all Americans who have stepped to the plate to help in any way they can.

Congress has a responsibility to conduct oversight, but at this stage, the oversight needs to conduct oversight in a manner that does not interfere with rescue and relief efforts. Many questions need to wait; no one wants to take people away from the massive job at hand.

But I also think some issues can and should be looked at now. Members want to begin doing oversight, and the American people are demanding it as well.

The formation of a bipartisan select committee, composed of Members from the numerous House committees that bear responsibility for various aspects of our Nation's failure to respond to this disaster, would enable this Congress to take a thoughtful look at what went wrong. Whatever the threat, Katrina has forced officials across America to take another look at disaster plans that may not be as solid as they previously thought.

It has forced officials across America to take another look at the laws and regulations governing disaster response, identity ways to cut bureaucratic red tape in order to respond as quickly as possible.

This is not the time to attack or defend government entities for political purposes. This is a time to do the oversight we're charged with doing. Our goal should be to investigate aggressively what went wrong and what went right. We'll do it by the book, and let the chips fall where they may.

It's hard not to point fingers and assign blame in the aftermath of tragedy. I understand human nature, and I understand politics. But I think most Americans want less carping and more compassion. I think most Americans want a rational, thoughtful, bipartisan review of what went wrong and what went right. I think most Americans want to know we'll be better prepared the next time.

It remains difficult to understand how government could respond so ineffectively to a disaster that was predicted for years, and for which specific dire warnings had been issued for days. This happened when we have advance warning, I shudder to imagine the consequences when we do not. If ever there were a time for leaders at all levels of government to come together and review and coordinate their emergency plans, it's now.

Some people are suggesting that only an independent body could properly investigate the Katrina tragedy. I think that point of view diminishes this House and the Members of this House. The voters didn't send us here to appoint commissions to do our jobs for us. If we're doing our jobs, we're digging deep and making sacrifices. If we can't lead this Country then let's at least follow their lead and stand up and do our job.

Mr. HONDA. Mr. Speaker, I rise in strong opposition to House Resolution 437, legislation that proposes to establish a bipartisan committee to investigate the Bush Administration's clumsy response to Hurricane Katrina. This Congress has a proven history of lax oversight of the Administration, and I do not believe it can be trusted in this task to undertake a truly independent and probing inquiry.

Like most Americans, I welcomed the resignation of FEMA director Michael Brown. He proved himself grossly under-qualified for the important role of FEMA administrator, the key position for coordinating governmental response to domestic catastrophes. His previous professional experience with the Arabian Horse Association proved inadequate training for the awesome challenges any FEMA chief can expect to face. Mr. Brown's appointment to this critical position, when compared to his woeful qualifications, reveals a disturbing willingness to place cronyism over competence.

Mr. Brown's unjustifiable appointment to FEMA is not the only outrage in the Katrina tragedy. President Bush himself has acknowledged his own failure to protect his entire Bush Administration. As the floodwaters rose and the cries went out from stranded victims, George Bush seemed not to notice. Only when his handlers realized the gravity of the situation—days after federal action could have prevented and untold numbers would the President rouse himself from the vigor of ranch life and deign to respond. This he did by cutting his five-week vacation short by two days, and dipping the wing of Air Force One as he jetted by.

The American people witnessed the Bush Administration negligent response to Hurricane Katrina, and they want a full account of the political and systemic shortfalls that contributed to the inept and late federal response. That is why so many Americans oppose a partisan committee like the one proposed in this legislation. In fact, 71 percent of the public said that the proposed congressional investigation would "get bogged down in politics" rather than "focusing on the facts:"

Such skepticism is well-founded. The Republican majority of this Congress repeatedly refuses to ask tough questions of the Administration or hold it responsible for its misguided policies and outright dishonesty. The Congress, for example, did not probe the Administration's faulty rationale for war with Iraq, unlawful disclosure of a CIA agent's identity, deceptive cost estimates for its prescription drug proposal, and unethical dealings with energy lobbyists. Having turned a collective blind eye to these wrongdoing, there is no reason to believe that Congress will suddenly reverse course and put national interests above their partisan loyalty to President Bush.

A recent poll revealed that 76 percent of Americans support the creation of an independent commission akin to the one formed by Congress after the September 11 terrorist attacks. My Democratic colleagues and I have proposed just such a commission to examine the conduct of the Federal Government, including the Congress, before, during, and immediately after Hurricane Katrina swept through the Gulf Coast region.
Mr. LEVIN. Mr. Speaker, this is a very important debate for our country. I cannot imagine anything more important to the American people than an independent investigation of why the response to Hurricane Katrina fell so short of expectations. We need a full accounting of what went wrong at all levels of government so such failures don’t happen again.

I support the appointment of a non-partisan, independent commission modeled after the successful 9/11 Commission to investigate the response to Hurricane Katrina. An independent commission is the only way to get to the bottom of this. The commission would look into every aspect of the preparation and response to Hurricane Katrina, and let the chips fall where they may. The American people have made it clear this is what they want as well. A new Washington Post/ABC poll found that 76 percent of the public supports the creation of an independent commission. The leadership of the House badly misreads the public mood when it disregards the clear wishes of the American people for a non-partisan investigation. We need to look at our government’s weaknesses and correct them.

I oppose the straightjacket procedure under which today we are considering this legislation. The Majority calls this a “Select Bipartisan Committee,” but the legislation was drafted behind closed doors with no input from Democrats. Is this bipartisanship? The leadership of the House will not even allow Democrats the opportunity of a substitute and force a straight up-or-down vote on it. Is the Majority’s position so weak that it cannot withstand a debate?

I don’t think the American people are going to have much patience for partisanship on this issue. They want answers and a measure of public accountability, not a partisan white wash. There are hard questions to be asked about the slow, disorganized, and woefully inadequate response to a natural disaster that left a major U.S. city uninhabitable. The leadership of the House calls for a House investigation that would be completely controlled by the Republican party. Democrats would outnumber Democrats on the Committee 11 to 9. There would be no bipartisan subpoena power. With all due respect, this would be an investigation in name only. It would have no credibility with the American people. You can’t have a comprehensive and fair investigation when the people controlling that investigation have a vested interest in the outcome.

I urge the House to reject this unfair procedure and reject the very partisan investigation it seeks to establish.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Res. 437, which would establish a bipartisan committee to investigate the Hurricane Katrina preparation and response. I agree with the vast majority of the American people, who favor an independent commission of experts similar to the 9/11 Commission.

Perhaps the American people, like me, are skeptical of the investigative integrity of the Republican Majority. After all, these are the same people who took more than an hour and a half to call a special session to fund the Department of Homeland Security—a fact that the President himself had identified as one of the causes of the delays in aid to the affected states.

Given their history, I think the American people deserve better than another sham inquiry. It is an insult to the thousands of dead, the victims of rape at the Convention Center, the people who waited five days for buses that never came and so many others who suffered needlessly, to suggest that one year before an election, this Republican Congress is going to pursue indictments not only of their President, but of themselves.

After all, the senior Members of Congress who would populate this Committee are the same ones who advocated moving FEMA into the Homeland Security Department, zealously pursued the demolition of disaster prevention and response programs, starved wetlands restoration and Army Corps of Engineers funding, and presided over rising poverty rates that make Americans all the more vulnerable.

These foxes have already systematically dismantled the henhouse, sold it for a song while the hens suffered, and now want to appoint a committee of foxes to find out what went wrong. I vote no on this ridiculous proposal.

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

Mr. DREIER, Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 439, the resolution is considered read and the previous question is ordered.

The question is on the resolution. The question was taken; and the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded by the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 440 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OSERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, authorizes funding levels for the Coast Guard in fiscal year 2006 and makes several changes to current law related to the Coast Guard and to the maritime transportation system.

This bill is the result of a bipartisan effort and I greatly appreciate the efforts of the bill’s original co-sponsors, the gentleman from New Jersey (Mr. LoBIONDO), the subcommittee chairman; the gentleman from Minnesota (Mr. OSERSTAR), the full committee ranking member, and the gentleman from California (Mr. FINKEL), the subcommittee ranking member.

This bill provides the Coast Guard with the necessary resources and authorities to protect the safety and security of lives and property on U.S. waters.

H.R. 889 authorizes a funding level of nearly $8.3 billion for the Coast Guard for fiscal year 2006. This authorization level includes an amount of $1.6 billion to accelerate the delivery of new vessels and aircraft as part of the deepwater program. The Coast Guard’s legacy fleet is deteriorating at an unacceptable rate, endangering the safety of the Coast Guardsmen on board and the general public.

We must provide the Coast Guard with these new assets, and I urge my colleagues to support full funding for this program this year and in future years.

This body’s only licensed mariner and the representative of the State that includes more than half of this Nation’s coastline, I recognize the importance of making certain that the Coast Guard has the tools necessary to carry out its many and varied missions.

Earlier this year, the Coast Guard responded to a major oil spill in my
State and in the district of subcommittee chairman, the gentleman from New Jersey (Mr. LoBIONDO). While the Coast Guard has recently received a great deal of attention for its important homeland security missions, we must be mindful of the requirements of the Coast Guard and our equally important traditional missions.

Mr. Chairman, all of us recognize the exceptional work done by the Coast Guard, often under dangerous conditions in Alaska and all around this Nation.

Mr. Chairman, as I am reminded with the Katrina hurricane, the outstanding agency that worked the best and did their job with honor and dignity was the United States Coast Guard. I am very proud to be affiliated with them, and I urge the strong support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

As the gentleman from Alaska (Mr. YOUNG) indicated, this legislation is in the great spirit of our committee, a bipartisan product. We worked together long and hard to bring to the House a partisan product. We worked together the great spirit of our committee, a bipartisan product.

I commend the gentleman from New Jersey (Chairman LoBIONDO), the chairman of the subcommittee, for his dedication, his commitment to the Coast Guard, and for not only legislative reasons but for personal reasons. The gentleman has a long history with the Coast Guard.

I concur with the gentleman from Alaska (Chairman YOUNG). Flashing across television screens, across the country since the onslaught of Hurricane Katrina has been the extraordinary accomplishment of the U.S. Coast Guard in responding to the needs of citizens stranded, devastated by the storm.

Some 32 years ago, I took the opportunity to spend a day with the 8th Coast Guard district commandant and his staff and reviewed the entire range of operations of district 8 in their 26-State area of responsibility, not just New Orleans or the gulf. It is 26 States up to Mississippi, Ohio, Missouri, Illinois, the river system for which that district has jurisdiction.

The men and women of the Coast Guard are highly dedicated, skilled, professional, committed to their work. I walked through every stage of their preparation for the homeland security responsibilities that the Coast Guard carries out, as well as the aids to navigation, search and rescue, drug interdiction, immigration responsibilities that the 8th Coast Guard district shoulders and carries out so effectively.

On Saturday, August 28, aircraft from all areas in New Orleans, Houston and Mobile flew over the destroyed gulf coast and over New Orleans. They immediately began lifting survivors, transporting them to safety and calling for reinforcements. But as the devastating scope of the disaster became known, every Coast Guard air station around the U.S. began sending aircraft and extra air crews to support the rescue operations.

The Coast Guard had equipment 24 hours a day on scene. Cutters and crews were brought in.

Mr. Chairman, I yield the balance of my debate time to the gentleman from New Jersey (Mr. LoBIONDO), and pending that I ask unanimous consent that
the gentleman be permitted to control this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman YOUNG for his attention and leadership on this issue. I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from California (Mr. FILNER). I think this is one committee and one area where we are probably a role model for the rest of the Congress to look at in terms of the way we have come together in a bipartisan way to recognize the needs and form a consensus and conclusion.

Chairman YOUNG outlined some of the basics of the bill, the $8.7 billion that is exciting. He talked a little bit about Operation Deepwater, and I want to sort of reemphasize a little of that. We are asking for $1.6 billion for the Deepwater System, which will result in the complete recapitalization of the Coast Guard. If there were ever a time and a need for it, it is now.

While we have not talked about homeland security that much in the wake of Katrina, the Coast Guard’s primary mission has been that of maritime and homeland security. They are not able to conduct that mission with assets that are falling on a more regular basis, and every day Coast Guardsmen must deal with the reality and the possibility of asset failures that put the safety of the personnel and the success of their missions in jeopardy.

This is an opportunity for us, in an authorization bill, to clearly state how important we think it is for the Coast Guard to have the right assets to go along with the extraordinary training and dedication they are bringing to the mission. This is a very good step forward, and I would urge all my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on the Coast Guard and Maritime Transportation.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time and for all his expertise, his help, and his mentoring on these and other transportation issues for so long. I thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on the subcommittee, and of course, the chairman, the gentleman from Alaska (Mr. YOUNG), on the full committee.

Mr. Chairman, I agree with the gentleman from New Jersey (Mr. LOBIONDO) when he said this is a committee that is working well together. The collegiality, the input that is provided from our side is greatly appreciated, and the mutual respect is evident. So we thank the Chair of both the subcommittee and the full committee for that.

Mr. Chairman, I have never been more proud of the men and women that serve in the United States Coast Guard than in recent weeks. What we have seen are valiant men and women stepping up to the plate and saving thousands of Americans from the destructive waters brought by Hurricane Katrina. The Coast Guard, whose motto is “Semper Paratus,” always ready, was prepared and ready to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews to the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks was to place the Deputy Secretary in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on a shelf when the big one hits. Being prepared when they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources quickly to respond, and they make decisions quickly so they can implement an effective response.

What we know to date of Katrina is that the Coast Guard has saved over 12,000 lives with their air resources and over 11,000 lives were saved by boats and other surface resources. They evacuated over 9,000 people to hospitals. When the storm passed, they remained on the scene helping to clean up the mess and protect the environment. In New Orleans, they are coordinating the cleanup of the largest oil spill. The Coast Guard is helping to coordinate the removal of sunken ships and barges.

Mr. Chairman, the Coast Guard has responded with all of the resources at their command to this disaster. It is time for the House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year and to continue to help American citizens, whether it is a disaster like Katrina or in a boating accident, to which they respond thousands of times.

H.R. 889 authorizes a total of $8.7 billion for the Coast Guard in the coming fiscal year. It includes $5.6 billion for operating expenses and almost $2 billion for acquisition, construction, and improvement. Funding for the Integrated Deepwater System is increased above the President’s request to make sure this vital system stays on schedule.

I want to thank Chairman YOUNG and Subcommittee Chairman LOBIONDO for including my request for $39 million to establish an additional helicopter interdiction tactical squadron, or HITRON, on the west coast. Currently, the Coast Guard operates only one HITRON squadron out of Jacksonville, Florida. We need another on the west coast to protect the eastern Pacific Ocean and interdicting smuggling of drugs into the United States. The east coast squadron hasinterdicted over $6 billion in drugs to date, and I think we can do even more on the west coast.

So I thank the Chair for working on this bill so cooperatively. I thank the Coast Guard for not only responding to Katrina but for the work they do every day in all of our districts, whether it is search and rescue, cleaning up oil spills, interdicting drugs, or enforcing our fisheries laws.

Mr. Chairman, I hope every one of my colleagues votes for this bill.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. CARNAHAN. Mr. Chairman, I want to thank the leaders and Members on both sides of the aisle who have worked together to bring this bill to the floor today.

I rise in support of our Nation’s Coast Guard and the heroic men and women who serve our country with distinction.

The Coast Guard and Maritime Transportation Act is an important authorization for our country and for our citizens. As we have seen so vividly in the last few weeks. From protecting our natural resources to providing maritime security and national defense, the Coast Guard’s duties are broad in scope, and the performance of those duties has never been more important. The authorizations in this bill for operations, acquisitions, and maintenance of the fleet seek to serve our constituents by allowing the Coast Guard to protect citizens along America’s waterways, including the Mississippi River district I represent in Missouri, and especially now in the Gulf Coast.

I would particularly like to take this moment to thank the Coast Guard unit at the Port of St. Louis and all the units in the Coast Guard District 8, covering 26 States, that were headquartered in New Orleans that have temporarily been moved to St. Louis. In St. Louis, the unit led by Commander Susan Engelbert, Coast Guard personnel, and auxiliary volunteers up and down the Mississippi mobilized with unprecedented speed and purpose to assist those communities devastated by Katrina. These men and women conducted search and rescue missions under extreme and dangerous conditions. They worked around the clock, just as they have done in countless hurricanes and floods across our country.
In the gulf, in the last 2 weeks of constant work and sweat, those Guard personnel helped make things safer and more secure. With little sleep or rest, they performed their duties helping their fellow Americans in their time of need. Commander Engelbert said it best when he indicated how proud she was of the men and women of the U.S. Coast Guard’s Port of St. Louis: They saved lives. They made a difference.

For their dedication and their actions, they deserve our thanks. The U.S. Coast Guard provides a shining example of how well a Federal agency can perform with its flexibility, speed, and expertise. I urge my colleagues to support this vital authorization bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in strong support of the Coast Guard and Maritime Transportation Act of 2005, a bill that will provide the men and women of the Coast Guard with equipment and tools that they need to monitor and protect our coastal waters.

In keeping with our efforts to improve the Federal Government’s ability to prevent and respond to potential mass incidents, whether caused by terrorists, an act of nature, or human error, H.R. 889 will maintain the Coast Guard’s traditional mission of water safety and ensuring its flexibility to contribute to our Homeland Security. To that end, H.R. 889 includes provisions from the Delaware River Protection Act, a bill Representatives LoBIONDO, CASTLE, ANDREWS, SAXTON, and I co-authored in the aftermath of the November 2004 oil spill in the Port of Philadelphia.

The Athos I oil spill caused an estimated $200 million in damages, injured wildlife, and temporarily impeded trade; it served as a reminder that the Port of Philadelphia contributes significantly to our region’s economy and that we cannot afford, for economic and environmental reasons, to put it in harm’s way.

Under this legislation, strong but necessary steps will be taken to prevent a similar incident in the future. However, we cannot stop there. We must consider other activities in our ports and waterways that might impact the Port of Philadelphia. That is why I am grateful to the gentleman from New Jersey (Mr. LoBIONDO) for including at my request a provision requiring the Coast Guard to conduct a vulnerability assessment of a proposal to turn an LNG, liquefied natural gas, peak shaving plant into an LNG import terminal in my district in Port Richmond, Philadelphia.

Since coming to Congress, I have been committed and outspoken about implementing innovative solutions to our Nation’s energy needs by promoting more efficient use of traditional sources of energy as well as making substantial new investments in discovering and bringing to market new energy resources. I support improved efficiency standards and enforcement of environmental standards so we can reduce consumption of foreign oil; and I led an effort on this floor to accelerate the research, development, and deployment of new energy technologies. These are critical steps we must take to ensure our Nation’s access to the energy that we need to power the 21st century.

There is no doubt that LNG can play a role in diversifying energy sources and supplement our national gas supply and production. However, due to the inherent volatility of LNG, there is concern that LNG tankers and storage locations will be marked as a potential target by terrorists. Their presence on the Delaware also raises the risk of another major spill occurring in the river. There is no doubt that an incident of an LNG tanker would be devastating to the people of Philadelphia, where 1.2 million people, as well as those living in the surrounding suburbs, and in the States of New Jersey and Delaware. Therefore, we must ensure that LNG tankers and facilities are situated safely and appropriately to protect our citizens from a catastrophic event.

In the case of Port Richmond, we must thoroughly examine the economic and safety variables before allowing LNG tankers to travel up the Delaware River, under Benjamin Franklin Bridge, and passing Fishtown to Center City Philadelphia while carrying 200,000 meters of LNG. A vulnerability assessment will ensure that all elements of the proposal are examined and weighed so we can determine what is best to ensure public safety as well as meet the region’s energy demands.

I thank the gentleman from New Jersey (Mr. LoBIONDO) for so willingly working across party lines to do what is best for those of us with continued leadership on issues concerning the Delaware River. I also thank his staff for working with us throughout the drafting process. I urge a “yes” vote on H.R. 889.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

MESSAGE FROM THE PRESIDENT
A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005
The Committee resumed its sitting. Mr. LoBIONDO, Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), an admirer of the Coast Guard.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from New Jersey (Mr. LoBIONDO), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERT), the gentleman from California (Mr. MILLER) and the gentleman from Michigan (Mr. HOEKSTRA) for their work on this bill. There could not be a more opportune time to bring this important legislation to the House floor as it comes to terms with the aspects of Hurricane Katrina.

The heroic and steadfast efforts of the Coast Guard in the wake of Katrina, the worst natural disaster this Nation has ever faced, should be commended by all. This recent tragedy demonstrates how important it is to authorize and fund vital programs that are contained in the Coast Guard bill we are discussing today. This bill will help the Coast Guard to continue to effectively carry out its mission.

I represent a district that is almost completely surrounded by water, so I understand the importance of a Coast Guard that has the resources to assist our coastal communities.

There is one provision included in the bill that is particularly important to me and my northern Michigan district. It directs the Commandant of the Coast Guard to convey the Cutter Mackinaw to the City of Cheboygan, Michigan, for purposes of a museum.

The U.S. Coast Guard Cutter Mackinaw is scheduled to be decommissioned in 2006. The Cutter Mackinaw, whose home port has been Cheboygan, Michigan, has served the State of Michigan and the entire Great Lakes region for over 60 years.

The conveyance of the Cutter Mackinaw to Cheboygan is both a tribute to the ship that protected Michigan’s shores and shores, and cleared the ice paths for the Nation’s mariners. This ship will now serve as an educational resource to help people better understand the history of the vessel, the Coast Guard and the maritime history of the Great Lakes. In this role, it is imperative that Michigan keep this historic treasure.

I see no better way to honor the life and name of the cutter than to retire it as a museum to its home port in the Mackinaw Straits area. This Coast Guard treasure will yield unique cultural and educational benefit for generations to come.

Once again, thanks to the men and women of the United States Coast Guard for their work in saving lives in the aftermath of Hurricane Katrina.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Jersey (Chairman LoBIONDO).

Mr. Chairman, as the gentleman from New Jersey is aware, Congress in 2002...
Mr. FARR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for rising on this matter. I am perplexed as to why this transfer has occurred and am concerned that it has not yet occurred.

I have been told that the Department of Homeland Security needs to delegate the land transfer authority to the Coast Guard in order to complete and carry out this provision. I will work with the gentleman from California (Mr. FARR) to see that the transfer of this land to the City of Pacific Grove occurs in a timely manner.

Mr. FARR. Mr. Chairman, I appreciate the assistance from the chairman and look forward to working with him to get this done.

Ms. PELOSI. Mr. Chairman, as the House considers the Coast Guard and Maritime Transportation Act, we have the opportunity to commend the men and women of the Coast Guard for their extraordinary achievements in response to Hurricane Katrina.

On Sunday, August 28, as soon as the hurricane passed over the Gulf of Mexico, the Coast Guard launched into action. Battling winds and waves, the crew of the Aurora, under the command of Commodore Allen, hoisted people from their perilous perches up to helicopters. Coast Guard crews dodged fire and smoke, entered burning buildings and worked through the night for seven days, Coast Guard helicopters day and night for seven days. Coast Guard helicopters saved close to 6,500 lives, 4,700 of them by hoisting people from their perilous perches up into helicopters. Coast Guard crews dodged debris, hacked through roofs and windows, and waded in filthy water to reach survivors.

Albert Howard, a New Orleans resident, said he rode out the hurricane by the light of a flashlight inside a piano until the Coast Guard found him.

The Coast Guard’s accomplishments shine all the brighter in contrast to FEMA’s lethally slow response. There are many good men and women working for FEMA too, but they were hampered by weak, inexperienced, and ineffective leadership, and by the precedents set under President George W. Bush. In the past several years of many seasoned disaster relief experts who could no longer tolerate the disintegration of the agency.

With this legislation, we are building upon the strengths and successes of the Coast Guard. Thank you to Vice Admiral Thad W. Allen for taking over relief operations in the disaster area. Thank you to the men and women of the Coast Guard who responded to this disaster from all around the country, from Florida to Seattle, from Boston to my own city of San Francisco. With all our hearts, we thank you.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill. It authorizes $5.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, and environmental protection.

Mr. Chairman, I want to highlight a provision that I offered and was accepted by the Committee that directs the Coast Guard to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the Exxon-Valdez spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operating along the banks of the Creek. The spill is categorized by ExxonMobil, BP/Amoco and Chevron-Texaco.

To date, 8.7 million gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 agreement with the New York State Department of Environmental Conservation.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown. The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Coast Guard to revisit the findings of its July 1979 report entitled “Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek,” and address the following issues:

- The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.
- The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.
- The Spill’s impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.
- The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.
- The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.
- The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.
- The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.
- Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.
- Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.
- The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked issue. I am also grateful that my staff was very helpful.

Mr. ENGLE. Mr. Chairman, let me start by stating my sheer admiration for the men and women of the United States Coast Guard. Their performance during and after Katrina was phenomenal and they deserve our gratitude and praise.

I rise to thank the Chairs and Ranking Members of the Transportation Committee and its Coast Guard subcommittee. A year ago, they worked with me to add language to the Coast Guard authorization bill requiring the Coast Guard and Department of Homeland Security to do a security assessment of the Indian Point nuclear power plant. As that bill moved through this process, this study was expanded to all nuclear power plants in the United States. I am pleased to report that DHS plans on releasing this report very soon—perhaps...
even this week. While I am well aware that security for nuclear plants is a sensitive matter and fully understand that this might require that parts of this report be classified, it is my hope that the report would contain unclassified sections to permit those around the nuclear plants to gain a better understanding of how our government is protecting their plants and our citizens. I am hopeful that the analysis in this report will help us as we make policy decisions about how best to safeguard these facilities.

There is no doubt about the awesome power of nuclear energy. It provides 20 percent of the Nation’s electricity. However, if a terrorist group were successful in causing major damage to a plant or its cooling ponds, then the impact would be devastating on a scale we dare not imagine.

We know that on 9/11 one of the planes flew over Indian Point nuclear power plant in New York and that the terrorists had plans nuclear plants in their possession. While I will continue to call for Indian Point to be closed, until that day, I will work to ensure it is as safe and secure as is humanly possible. This report will put us one step toward protecting Indian Point and all nuclear power plants sitting on major waterways.

Again, I thank Chairman YOUNG, Chairman LOBIONDO, Ranking Member OBERSTAR and Ranking Member FILNER for their assistance and support.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairman YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and has done an outstanding job. The Coast Guard was the first Agency to react to the terrorist attacks on September 11th, and within minutes was guarding our ports and bridges, and directing maritime traffic in New York. Right now they’re in the Gulf region evacuating victims and cleaning up neighborhoods. And we now have a Coastie heading the recovery effort.

Like many Members, I had major concerns when they moved the Coast Guard into the Department of Homeland Security because I feared that it would prevent them from doing their core missions of Search & Rescue, Drug Interdiction, and Enforcing Maritime and Fisheries Laws. We now know that they can, and have got caught up in the red tape of the Department’s feet to the fire, so they don’t stand in the way of the Coast Guard’s traditional mission.

Fortunately the Transportation Committee realizes how important the Coast Guard is, and we are providing them $861 million more than the Administration. This is just one more example of where the money being sent to Iraq could be used right here by our own Coast Guard.

I encourage my colleagues to support full funding for the Coast Guard. It’s simply the right thing to do for America.

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. This legislation could not come up for our consideration at a better time. We have all seen the phenomenal rescues made by the United States Coast Guard during their efforts to save the lives of thousands of victims of Hurricane Katrina. I am sure that the more than 23,000 people who have been rescued by the Coast Guard, and the Coast Guard’s daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation’s waters everyday. They help to secure our nation’s ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq. From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the past few weeks we have seen the Coast Guard at their very best, but the Coast Guard’s daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation’s waters everyday. They help to secure our nation’s ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq. From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the past few weeks we have seen the Coast Guard in the national spotlight for the outstanding work it has done to aid in the recovery and relief efforts for Hurricane Katrina victims along the Gulf coast. While the response of many agencies has been scrutinized, the Coast Guard has not been one of them.

The Coast Guard has been responsible for saving 33,000 lives—six times the number of lives the Coast Guard saved in 2004—since Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the megashelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm.

Coast Guard Lieutenant Joe Leonard and the units in Houston have done an incredible job in managing these shelters that received thousands of people a day in the days following Katrina.

But relief efforts are just a part of what the Coast Guard does.

The Coast Guard, which is a part of the Department of Homeland Security, is the lead federal agency for maritime homeland security.

The Homeland Security Act of 2002 specifies five homeland security missions for the Coast Guard: ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement duties.

With regard to ports security, the Coast Guard is responsible for locating, boarding, searching and inspecting commercial ships approaching U.S. waters, countering terrorist threats in U.S. ports, and helping protect U.S. Navy ships in U.S. ports.

The Port of Houston, which handles more foreign tonnage than any other port in the United States, is in the district I represent, and the Coast Guard provides the security necessary to protect the Port, as well as the people of Houston.

Mr. Chairman, I would again like to thank the Coast Guard for its excellent work in the Katrina relief efforts, and urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 889

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Coast Guard and Maritime Transportation Act of 2005’’.

The CHAIRMAN. Are there amendments to section 1?

AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, as the designee of the gentleman from Alaska (Mr. YOUNG), I offer amendment No. 11, and I ask unanimous consent that I be permitted to offer the amendment at this point in the reading.

The CHAIRMAN. The Clerk will direct the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. LOBIONDO:

At the end of title I add the following:

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard in connection to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078, $610,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE FUNDING.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,
and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2005.

SEC. 210. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking ‘‘upon the declaration of war or when’’ and inserting ‘‘When’’.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

After fiscal year 2006.

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

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

(1) On August 29, 2005, Hurricane Katrina struck the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need. In general, the Congress

(A) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(B) recognizes that the actions of these individuals went above and beyond the call of duty; and

(C) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) In General.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under section 1013 of the Demonstration City and Metropolitan Pollution Act of 1966 (42 U.S.C. 3774a) for the acquisition of personal property. Any amounts received by the United States as proceeds of management or disposal of property referred to in the previous sentence shall be credited to the appropriation account of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and acquires Coast Guard activities.

(b) Definitions.—For purposes of this section:

(1) the qualified property is unsalable (as determined by the Secretary); and

(2) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(A) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(B) the outstanding mortgage, if any, on the qualified property on that date.

(c) Reimbursement Amount.—The amount of the reimbursement that an eligible person may receive under this section with respect to such qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) Transfer and Disposal of Property.—

(1) In general.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement.

(2) Treatment of Proceeds.—Any amounts received by the United States as proceeds of management or disposal of property referred to in paragraphs (1) and (2) of subsection (a) shall provide information and recommendations to enhance mission capabilities in those areas.

(e) Areas of Review.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(f) Subject to Appropriations.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate pursuant to the requirements of this section.

(a) In General.—The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeth's Hospital that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) In General.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) Areas of Review.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) Procedures.—In section 412 insert “of 1990” after “Oil Pollution Act.”

At the end of title IV add the following:

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period “before an administrative law judge’’;

(2) by adding at the end the following:

“(3) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary’s determination.”

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the assessment of the following:

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and
SEC. 415. MOVEMENT OF ANCHORS. Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the settlement or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1311(a)))."

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALIENATE TRADE. (a) GENERAL INSPECTION EXEMPTION.—Section 3302(o)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tenders are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or a certificate of inspection issued under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

“(B) A vessel engaged in the Alienate trade that is less than 2,500 gross tons as measured under section 14302 of this title.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(o) of title 46 and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14502 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title.”

SEC. 417. ASSESSMENT AND PLANNING. There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT. Subject to the availability of appropriations, the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION. In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that the Secretary whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS. (a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the record of the individual is located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS’ DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners’ document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the record of the individual is located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to an individual seaman or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND CERTIFICATES OF VESSEL OPERATOR CERTIFICATES OF INSPECTION. (a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a certificate of inspection issued for a vessel under section 3301(1), (6), (7), (11), and (12) of title 46, United States Code, for up to 6 months for a vessel inspected by a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF INSPECTION, AND MERCHANT MARINERS’ DOCUMENTS. (a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners’ documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATION IMPACT. In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Act of 1899 (chapter 425, 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND. The Secretary of the department in which the Coast Guard is operating through the Commandant of the Coast Guard may, if the Secretary determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(1) REASONABLE USE.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(3))

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

SEC. 452. APPROPRIATIONS FOR LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the
Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request to convey or reserve for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 308(e) of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) Priority.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of Agriculture chooses not to convey to an eligible entity pursuant to subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w–8), that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORES NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of Agriculture in the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analysis or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(c) RESERVATION FOR AID TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATION.—Notwithstanding any other provision of law, the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2351; 16 U.S.C. 1604), the Secretary of Agriculture, in consultation with the Secretary of the Interior concerning the application of policies for the administration of land transferred pursuant to subsection (b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1); and

(2) grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled “Tree Point Light Station,” dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the St. Marks National Wildlife Refuge and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is selected within 3 years of the administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such action as the Secretary deems appropriate.

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—The Secretary of Agriculture may revoke any transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on behalf of the Secretary of Agriculture as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1991, as it affects the Tree Point Light Station.

(2) Executive Order 4140 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 2 of Public Law 105–385, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Law 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the boundary of the Cape St. Elias National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional), and containing all that remainder of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, transferred to the Secretary of the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of transfer stated in this section or before; and

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of transfer stated in this section.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b).
the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

(3) Tank vessels.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(a) by redesignating subparagraph (B) as subparagraph (C); and

(b) by striking paragraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

(ii) $1,550 per gross ton for an incident that occurs in 2005; and

(iii) $1,900 per gross ton for an incident that occurs in 2006; or

(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (C) or

(i) $3,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

(ii) $3,750 per gross ton for an incident that occurs in 2008 or in any year thereafter; or

(c) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph:

(i) in clause (i) by striking "$10,000,000" and inserting "$14,000,000"; and

(ii) in clause (ii) by striking "$2,000,000" and inserting "$2,500,000".

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(1) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulation, increase the amount set forth in paragraph (1) by an amount equal to the change in the Consumer Price Index for All Urban Consumers for the most recent 12-month period, but in no case shall the amount so increased exceed the amount set forth in paragraph (1).

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"(2) Delaware River and Bay Oil Spill or removal of submerged oil.

SEC. 606. DELAWARE RIVER AND BAY OIL SPILL OR REMOVAL OF SUBMERGED OIL.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman.

The Vice Chairman shall act as Chairman in the absence of the Chairman, or in the event of vacancy in the Office of the Chairman.

(c) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay.

(2) EXPENSES.—While away from their homes in the performance of official duties, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5753 of title 5, United States Code.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman.

(f) PAY AND EXPENSES.—While away from their homes in the performance of official duties, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5753 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking "LOWE COLUMBIA RIVER" and inserting "$987,400" and inserting "$1,500,000"; and

(B) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?"

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this amendment and on behalf of the ranking members, the gentleman from Minnesota (Mr.
OBERSTAR) and the gentleman from California (Mr. FILNER), and thank them for working so closely with us on this amendment.

One of the key provisions of this amendment is it authorizes an additional $5 million for the Coast Guard for operations and maintenance for the fiscal year 2005 for funds spent on responding to Hurricane Katrina which are not being reimbursed. Failure to reimburse the Service for the work it has done in New Orleans means that other Coast Guard missions will suffer. The amendment extends existing mariner documents and vessel certificates for mariners and vessels whose paperwork was held in New Orleans and establishes a temporary center for the processing of new mariner documents. Because of the effects of the hurricane on the Coast Guard facilities and the need for new mariners to aid in reconstruction efforts, these temporary actions are necessary to ensure the smoothest possible return to normal operations of the important maritime industry in the Mississippi River and the Gulf of Mexico.

Another important provision in this amendment is the Delaware River Protection Act, legislation that I introduced to protect mariners and the Coast Guard in another oil spill like the one that we suffered last November in the Delaware River. The bill unanimously passed the House in June, but, unfortunately, the other body has yet to act.

The Delaware River Protection Act would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause an obstruction to navigation. The Coast Guard and the Army Corps of Engineers have found three very large objects in the area of the Delaware where the Athos I ran aground last November. Had the notification requirement been in place at the time the objects had been released into the water, the Coast Guard could have marked the location of these objects and had them removed.

This provision will improve maritime safety and will protect the environment and the economies of our local communities by preventing similar collisions in the future.

The Delaware River Protection Act also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from U.S. waterways. This amendment will enhance the Federal Government’s oil spill prevention and response capabilities.

I would like to thank in particular the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Ms. SCHWARTZ), and a host of others, along with our chairman and the ranking member for working to include this.

Some people say if he is a felon, he should not be hired. I can tell the Members that the business I am in, a lot of people in their earlier years probably got into some sort of trouble some time, but they are not terrorists. These people are trying to make a good living, trying to provide for society and trying to be helpful to this Nation and are not a threat. I do not want someone unable to obtain employment because of beyond 7 years, 15 years, 20 years, 30 years, 40 years, and a person not being eligible to be employed.

The gentleman has heard this argument before. I believe he was on the Committee on Homeland Security meeting when I presented that, and it was adopted, and it passed on this floor. In fact, it is in the bill. It has not become law because, as the gentleman knows, we have not gone to conference with the Senate.

So I understand what the gentleman is trying to do, but I ask two things from him: if he would consider not offering the amendment, withdrawing it, or not asking for a vote on it, and we will not have a vote on it, or we will, in turn, take care of this in conference, because I and I am going to push on the conference. I know what he is trying to do, but I do not want someone to be punished because they are really good citizens today.

Mr. OBERSTAR, Mr. Chairman, re- claiming my time. I agree with the chairman about not reaching back. We confronted this issue in aviation in the legislation implementing the recommendations of the Pan Am 103 Commission, requiring the Department of Transportation to conduct background checks, but not going further than that and having consideration of amnesty for those who paid their dues to society. We faced that.

Mr. YOUNG of Alaska. Mr. Chair- man, other than that, I do not want to have the inability to have someone hired, because they can do the job. So we can work it out.
Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I concur in that concern, but I do want to have uniformity of application of law in the security arena, and I think the chairman agrees with that.

I do not believe, Mr. Chairman, that we would have intervention by the Homeland Security if we struck this language from the manager’s amendment because then it would not be subject to their jurisdiction. However, the chairman is an honorable man, and he has had many amendments on a handshake, and we have worked things out.

Mr. YOUNG of Alaska. The gentleman has my word on it, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the manager’s amendment to the Coast Guard and Maritime Transportation Act of 2005. The amendment includes some very important provisions that were previously passed by this chamber in a bill called the Delaware River Protection Act. The Delaware River Protection Act was primarily authored and introduced earlier in the year by my esteemed colleague, Congressman Frank LoBiondo, and was to be a cornerstone of that legislation and I am greatly pleased that the language is included in the manager’s amendment. The language is part of a bipartisan effort to protect the ecologically and economically significant Delaware River waterway.

In November 2004, the hull of the oil tanker, Athos, was torn open by a submerged object and spilled an estimated 265,000 gallons of oil into our river. The cleanup efforts have cost at least $167 million thus far and the impact to the wetlands will be felt for years to come. We must prevent such tragedies from occurring in the future, as it is an economic as well as an environmental imperative; the Delaware River must remain open to commercial traffic. The language in the Delaware River Protection Act, which will now be part of the Coast Guard and Maritime Transportation Act, is a strong step to secure this precious resource.

This language increases the liability limits on single-hull tankers under the Oil Pollution Act, thereby encouraging the adoption of more robust double-hull tankers. In addition, it requires mandatory reporting of objects that are lost overboard to the Coast Guard. There are also provisions to prepare for the contingency of another spill by updating the current response plan, establishing a committee to report to Congress on ways to improve oil spill response and prevention, and establishing a pilot project in the Delaware to test techniques to recover spilled oil. I commend Congressman Frank LoBiondo for his diligent work on this important effort. I also thank my colleagues, Representatives ALLYSON SCHWARTZ, Jim SAXTON, and Mike CASTLE for their input and support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LoBiondo).

The amendment was agreed to. The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLES I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authority for one-step turnkey design-build contracting.

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.


TITLES II—COAST GUARD

Sec. 203. Officer promotion.

Sec. 204. Coast Guard band director.

Sec. 205. Authority for one-step turnkey design-build contracting.

Sec. 206. Reserve recall authority.

Sec. 207. Reserve officer distribution.

Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.

Sec. 209. Coast Guard history fellowships.


Sec. 301. Treatment of ferries as passenger vessels.

Sec. 302. Great Lakes pilotage annual rate-making.

Sec. 303. Certification of vessel nationality in drug smuggling cases.

Sec. 304. LNG Tankers.

TITLES IV—MISCELLANEOUS

Sec. 401. Technical corrections.

Sec. 402. Authorization of junior reserve officers training program pilot program.

Sec. 403. Transfer.

Sec. 404. Long-range vessel tracking system.

Sec. 405. Report.

Sec. 406. Training of cadets at United States Merchant Marine Academy.

Sec. 407. Marine casualty investigations study.

Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

Sec. 409. Deepwater implementation report.

Sec. 410. Helicopters.

Sec. 411. Report on mortgagees of vessels.

Sec. 412. Newtown Creek, New York City, New York.

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

TITLES I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,586,400,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, of which—

(A) $260,997,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $1,315,369,000 shall be derived from the Deepwater Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990, to remain available until expended; and

(C) $284,369,000 is authorized for maintenance of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and processes directly relating to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 102(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapse appropriations for this purpose), payments under the Retired Servicemen’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstruction to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $35,900,000.

(6) For environmental compliance and restoration at Coast Guard facilities and other parts and equipment associated with operation and maintenance, $12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-year strength for active duty personnel of 45,760 for the years ending on September 30, 2005, and September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2006, 2,500 student years.

(2) For flight training for fiscal year 2006, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2006, 330 student years.

(4) For officer accession for fiscal year 2006, 1,200 student years.

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title II.

The text of title II is as follows:

TITLES II—COAST GUARD

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(d) As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) In GENERAL.—Section 109 of title 14, United States Code, is amended—

(1) by amending the section heading to read as follows:

“§119. Assistance to foreign governments and maritime authorities.”

(2) by inserting before the existing undesignated text the following new subsection designation and heading: “(a) DETAIL OF MEMBERS TO AREA PROFESSIONAL INFORMATION SYSTEMS”;

(3) by adding at the end the following new subsection:

SEC. 203. OFFICER PROMOTION.

(a) In GENERAL.—Section 102 of title 14, United States Code, is amended—

(1) by adding at the end

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“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

“149. Assistance to foreign governments and maritime authorities.”.

SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new section:

“(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.”.

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b), by amending the first sentence to read as follows: “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;

and

(2) in the second sentence, by striking “a member so designated” and inserting “an individual so designated”;

(3) in subsection (c)—

(A) by striking “of a member” and inserting “of an individual”;

and

(B) by striking “a lieutenant (junior grade) or lieutenant” and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual”;

(4) in subsection (d), by striking “A member” and inserting “An individual”; and

(5) in subsection (e), by striking “When a member’s designation is revoked,” and inserting “When an individual’s designation is revoked,”; and

(6) by striking “option.” and inserting “option.”;

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

“§677. Turnkey selection procedures

“(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘one-step turnkey selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm-priced contract, a design and construction of a facility using performance specifications supplied by the Secretary.

“(2) The term ‘construction’ includes the construction procurement, design, development, conversion, or extension, of any facility.

“(3) The term ‘facility’ means a building, structure, or other improvement to real property.

“(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

“677. Turnkey selection procedures.”.

SEC. 206. RESERVE RECALL AUTHORITY.

Section 712(a) of title 14, United States Code, is amended—

(1) by inserting “, or to aid in prevention of an imminent,” after “during”; and

(2) by striking “or” before “catastrophe”.

SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following: “Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.”; and

(2) in subsection (b), by striking so much as precedes paragraph (2) and inserting the following:

“(1) The Secretary shall, at least once each year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in the authorized number of officers in the Reserve.

“(2) The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”.

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) FERRY DEFINITION.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

“(10b) ‘ferry’ means a vessel that is used on a regular schedule—

“(A) to provide transportation only between places that are not more than 300 miles apart, and

“(B) to transport only—

“(i) passengers, or

“(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.”.

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (C) and inserting “;”;

(2) by striking the period at the end of subparagraph (D) and inserting “;”;

(3) by adding at the end the following:

“(D) that is a ferry carrying a passenger.”.

(b) SMALL PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(25) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (C) and inserting “;”;

(2) by striking the period at the end of subparagraph (D) and inserting “;”;

and

(3) by adding at the end the following:

“(E) that is a ferry carrying more than 6 passengers.”.

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATE MAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (i) by striking “The” and inserting “Before March 1 of each year, the”; and

(2) by adding at the end the following:

“(j) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.”.

SEC. 303. CERTIFICATION OF VESSEL NATION-ALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking “a certificate of registry” and inserting “registration.”.

SEC. 304. LNG TANKERS.

(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to facilitate the transportation of liquefied natural gas to the United States on United States-flag vessels.
SEC. 401. TECHNICAL CORRECTIONS.
(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1037), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).
(b) REDESIGNATION OF APPENDIX TO CHAPTER ANALYSIS.—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1037) is amended by inserting “of title 14” after “chapter 17”.
(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), as amended by redesignating paragraphs (1) and (2) in order as paragraphs (A) and (B), respectively, and moved to appear immediately after section 70115 of title 46, United States Code.
(d) TECHNICAL CORRECTION OF PENALTIES.—Section 431(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1043), is amended by striking “$407(a)” and inserting “$407(a)”.
(e) DETERMINING ADEQUACY OF POTABLE WATER STORAGE SYSTEMS.—Section 70116 of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1047), is amended by redesignating paragraphs (2) through (4) of section 70116 as paragraphs (3) through (5), respectively, and moved to appear immediately after section 70116 of title 46, United States Code.
(f) CORRECTIONS TO VESSEL REFERENCES.—Section 70117 of title 46, United States Code, is amended by striking “70120” and inserting “70119”.
(g) DETERMINING ADEQUACY OF SATELLITE BROADCAST SYSTEMS.—Section 70118 of title 46, United States Code, is amended by striking “to be conveyed” and all that follows through “is amended”.
(h) DETERMINING ADEQUACY OF POTABLE WATER SYSTEMS.—Section 70119 of title 46, United States Code, is amended by striking “assess” and all that follows through “3703a note”.
(i) TECHNICAL CORRECTION REGARDING TANK VESSEL EVALUATION INDEX.—Section 411(c)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking “null the second place it appears” and inserting “null the second place it appears in such section”.
(j) EFFECTIVE DATE.—This section shall take effect August 9, 2004.

SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.
(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the “Secretary”) may carry out a pilot program to establish and maintain Junior Reserve Officers Training Corps programs in cooperation with the Camden County High School in Camden County, North Carolina.
(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this subsection shall provide to students at Camden County High School—
(1) instruction in subject areas relating to operations of the Coast Guard; and
(2) training in skills which are useful and appropriate for a career in the Coast Guard.
(c) PROVISION OF ALL SERVICES.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—
(1) assistance in course development, instruction, and other support activities;
(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and
(3) necessary and appropriate course materials, equipment, and uniforms.
(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—In carrying out the pilot program established by this section, the Secretary may—
(1) in general.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Coast Guard to employ retired Coast Guard officers as administrators and instructors for the pilot program
(2) exception.—In the case of retired Coast Guard officers who request that employment and who are approved by the Secretary and Camden County High School.
(e) AUTHORIZED PAY.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the following:
(i) the amount the individual would be paid as and allowance if they were considered to have been ordered to active duty during that period of employment; and
(ii) the amount of retired pay the individual is entitled to receive during that period.
(f) PAYMENT TO SCHOOL.—The Secretary shall pay Camden County High School an amount equal to one half of the amount described in paragraph (i) of this subsection, and no additional amount, to be used for the following:
(1) the amount described in paragraph (i); and
(2) the amount described in paragraph (ii).
(g) AUTHORIZED TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 403. TRANSFER.
Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking “to be conveyed” and all that follows through “is amended”.

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.
(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.
(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary authorized to carry out the pilot project is authorized to appropriate funds for the purpose of carrying out such project.
There is authorized to be appropriated $625,000 for the Coast Guard cutter MACK- 41.

The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representa- tives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

The amendment was agreed to.

The question is on Amendment No. 13 offered by Mr. YOUNG of ALASKA.

Mr. YOUNG of Alaska. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The amendment is as follows:

Amendment No. 13 offered by Mr. YOUNG of ALASKA:

The amendment begins on page 15 of this Act, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of approximately 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

Mr. YOUNG of Alaska. Mr. Chair- man, it is my understanding that foreign workers may work on U.S. flag vessels on international voyages to conduct various non-watching functions. However, such indi- viduals must possess a transportation security card issued under Section 7015 of this title, when required.

The amendment clarifies that personnel must possess a transportation security card, when required under the Maritime Transportation Security Act, and I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentle- man from Alaska (Mr. YOUNG).

The amendment was agreed to.

There is authorized to be appropriated $625,000 to carry out the study required by this section.

(a) In GENERAL.—Upon the scheduled decom- missioning of the Coast Guard Cutter MACK- 41, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(i) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial trans- portation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emer- gency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materi- als, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the ves- sel, except for claims arising from the use by the Government under subparagraph (C).

(ii) the recipient has fundsavailable that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of funds available for Coast Guard operations and maintenance, and in an amount of at least $700,000; and

(iii) the recipient agrees to any other condi- tions the Commandant considers appropriate.

(b) DETERMINATION AND CERTIFICATION.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practi- cal, and subject to other Coast Guard mission requirements, take such action as is necessary to maintain the operability and function of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall de- liver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 8(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Com- mandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the ves- sel’s operability and function for purposes of a museum.

Within 30 days after the date of the enactment of this Act, the Secretary of the Department of Transportation of the Senate shall transmit to the Secretary of Transportation a report on the im- plementation of the Integrated Deepwater Pro- gram that includes—

(i) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;

(ii) a projection of the remaining operational lifespan of each legacy asset;

(iii) a detailed justification for each modifica- tion in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the asset in question;

(iv) a total cost of the program that aligns with the revised mission needs statement for the program.

Within 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommenda- tions to enhance mission capabilities in those areas.

(a) STUDY.—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health to fund the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—

(i) result in information and recommendations that prevent similar casualties;

(ii) maximize the effect of similar casualties, given that it has occurred; and

(iii) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.

(b) INCLUDED ELEMENTS.—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—

(1) resources devoted to mar- ine casualty investigations including case- load, training and experience of marine cas- ualty investigators, and duty assignment prac- tices;

(2) investigation standards and methods, in- cluding a comparison of the formal and informal investigation processes;

(3) use of best investigation practices consid- ering transportation investigation practices used by other Federal agencies and foreign govern- ments, including the British MAIB program;

(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;

(5) the use of marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and

(6) changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report-

(c) REPORT TO CONGRESS.—The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representa- tives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $625,000 to carry out the study required by this section.

SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

SEC. 409. DEEPWATER IMPLEMENTATION REPORT.

Within 30 days after the date of the enactment of this Act, the Secretary of the Department of Transportation of the Senate shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommenda- tions to enhance mission capabilities in those areas.

(a) STUDY.—Of the amounts provided under section 407(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) in paragraph (2) by striking ‘‘and’’ after the semicolon at the end of the section and inserting ‘‘; and’’; and

(2) by adding at the end the following:

(3) by adding at the end the following:

(4) on any other vessel considered necessary or appropriate or in the national interest.’’. This amendment was agreed to.

The amendment was agreed to.

The amendment was agreed to.
AMENDMENT NO. 15 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. Young of Alaska: Add at the end of title IV the following:

SEC. ___. QUOTA SHARE ALLOCATION.

(a) TREATMENT OF SECRETARY APPROVAL.— (1) IN GENERAL.—If approved by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 89–242.

(b) PROGRAM IMPLEMENTATION.— (1) ASSIGNMENT OF QUOTA.—If no new quota is made available, then the additional vessel does not in any way distribute the quota to an existing vessel.

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

SEC. ___. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.— (1) IN GENERAL.—If approved by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91–190.

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

SEC. ___. ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

Mr. SOUDER. Mr. Chairman, I rise to ask my colleagues’ support for this amendment which would authorize critical resources for our drug interdiction efforts which directly impact the U.S. Coast Guard.

I first want to commend the gentleman from New Jersey (Chairman LoBIONDO) for his leadership and efforts in providing much-needed support to the Coast Guard.

Recently, more than ever, the Coast Guard has demonstrated its unique multimission role as the world’s premier maritime service. The recent devastation caused by Hurricane Katrina along our gulf coast has been well documented, and our sympathies are extended to those who have lost so much. However, out of the destruction and despair come many positive stories, and one of the best stories to emerge from this disaster has been the heroic work of our Coast Guard.

Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi; and looters wrecked part of its New Orleans base. But that did not stop the Coast Guard from sending out rescue helicopters,
cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the Gulf Coast since August 29.

To date, the Coast Guard has coordinated the search and rescue efforts that resulted in over 33,000 lives saved and evacuated to date. Coast Guard helicopters and boat crews from around the country responded and have heroically risked their lives in some of the most demanding and dangerous circumstances of recent times.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions and responsibilities providing maritime security, maritime safety, protection of national resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In fiscal year 2004, the Coast Guard seized a record 240,519 pounds of cocaine worth approximately $8.8 billion. To date, in fiscal year 2005, the Coast Guard has seized over 290,000 pounds of cocaine worth an estimated $7.3 billion.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment in the hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard’s Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is important to our national drug control strategy and our national security, as well as protecting our Nation’s citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that we be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

I offer this amendment to improve upon the proposal to authorize the Department of Homeland Security to use the proceeds of the sale of the stocks in the Federal Steel Corporation. This is something, however, that has to expand, not only in New England but all across our country over the next decade, and that is the indisputable need for our country to have a large importation of liquefied natural gas into our country. In New England, already 20 percent of our natural gas is in the form of liquefied natural gas. It comes from overseas. This is a good thing, and it is something that has to expand, not only in New England but all across our country.

The good news is that in the year 2001, there were only two LNG facilities in the United States, one of them in Everett, Massachusetts, in the middle of my congressional district. This is something, however,
which is a legacy from a period that existed before 9/11. There are now 30 proposed additional LNG facilities in the United States, and nine of them have already been licensed. The question going forward now is not do we need LNG; the question is how will we have the importation of LNG be done consistent with homeland security principles. And here is the issue: in Boston, right here, coming in a couple times a month, at least, coming by tanker right through the middle of Boston. That is East Boston High School right above it. Outside of Manhattan, this is the most densely populated part of the United States.

Now, we cannot do anything about this facility. It is there. Maybe over time we can phaze it out, but it is going to be there. The issue is, going forward, what will be the role of the Coast Guard, the Coast Guard which, in this picture, is escorting this LNG tanker right into Boston Harbor, which has a large number of other vessels on every time one of these tankers comes in? What should the role of the Coast Guard be?

What my amendment says is this: since we are going to have this large importation of LNG in terminals all across the country, in the next generation, let us: One, require the Coast Guard to prepare a report on any measures needed to ensure public safety and security of the proposed facility and transportation routes to and from the facility; and two, require the Coast Guard to report on any action taken by the facility owner or by appropriate Federal and State regulators in response to any findings or recommendations made by the Coast Guard with respect to the proposed facility, including what measures have been put in place to mitigate potential risks; and, third, require the Coast Guard to approve any construction or expansion of an LNG facility before it can go forward, because the Coast Guard to not approve any such construction or expansion if it determines that the proposed facility or the expansion of the existing facility would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

We know that if that tank was exploded, if the tanks that are on the land where the tanker is going to unload the LNG, that the event would be catastrophic right in the middle of Boston; but the same would be true across the whole country. The Sandia Laboratories, in studying an incident that could occur with a tanker such as this, sees a radius of upwards of 2,000 feet that would have levels of heat and fire that would burn buildings, steel tanks and machinery; and one can imagine what would happen to every human being inside that radius.

So, for me, to leave it to the Federal Energy Regulatory Commission to have exclusive jurisdiction over where any one of these facilities is sited, without taking into account what the Coast Guard will have to do as a part of the Department of Homeland Security in safeguarding that shipment, is, in a post-9/11 period, reckless. In a post-New Orleans period, it is reckless.

We must give the people who live in these densely populated areas the benefit of the doubt. The Coast Guard would raise the questions about homeland security, about what would happen if there were a terrorist attack, and then suggest perhaps that the facility be built offshore, and that there be a pipeline brought in, that the facility be built offshore, and a pipeline be built to bring it down; but it should be the Coast Guard, the agency of expertise.

I urge an “aye” vote to protect public safety in all communities where LNGs will be imported in the generation ahead.

Mr. LoBIONDO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would significantly alter the Coast Guard’s mission responsibilities by requiring the service to regulate the construction and expansion of liquefied natural gas facilities. Coast Guardsmen and women do not have the expertise and background to inspect building plans and do the job that is required to do under this amendment.

In addition, this amendment would in many ways duplicate the efforts already undertaken by the States and the Federal Energy Regulatory Commission in the construction and expansion of LNG facilities. With the current situation, I question the addition of significant shore-side responsibilities to the Coast Guard’s wide scope of missions. We have heard about what they have been expected to do, we have heard their missions have been expanded by some 27 items, that their personnel is not there, that their funding is not there; and I reiterate that they do not have the expertise and background to inspect these building plans and do the job that is required under this amendment.

I urge all of my colleagues to oppose this amendment.

Mr. McGOVERN. Mr. Chairman, I am pleased to rise in support of this amendment, and I would like to commend my colleague, the gentleman from Massachusetts (Mr. MARKNEY), the dean of our delegation, for his leadership on this issue. Years ago the gentleman from Massachusetts (Mr. Markney) was the author of the passage of the Pipeline Safety Act, which stressed the need for the remote siting of LNG terminals; and since then he has continued to be a national leader and advocate for the needs and safety of our communities.

This is a commonsense amendment that we have before us today. I can tell my colleagues firsthand that the current system does not work. In my district there has been a proposal to construct an LNG storage tank in the middle of Fall River. The site itself would be just 1,200 feet from homes with over 9,000 people living within a 1-mile radius of the tank. Immediately, community and State officials sounded the alarm. They pointed to environmental concerns, and there are a lot of environmental concerns with the sitting in this area, which FERC just dismissed without ever confering with the EPA. They also pointed out that if this facility would be constructed, the tankers would have to go under three different bridges in the river, and all three bridges would have to be shut down for a period of time for safety concerns. And the problem with that is that during that window, they would then be denied access to hospitals that are located in Fall River and other emergency facilities. Again, FERC totally ignored that.

The community raised security concerns which were supported by a report prepared by counterterrorism expert Richard Clarke talking about the potential threat to the community in the case of a terrorist attack or an accident. Yet the Department of Homeland Security was never included in the review process. In fact, despite repeated requests from members of the Massachusetts and Rhode Island delegations, officials from Homeland Security have yet to comment on the site, let alone visit the site.

Instead, they referred our request to the Coast Guard, which is only required to present this information prior to the actual construction of the LNG tanks. So in the end, without any coordination with the necessary Federal agencies, FERC approved the construction of the LNG storage tank in Fall River, Massachusetts.

This case in Fall River illustrates a larger problem. Our current system fails to ensure a thorough review of all of the issues surrounding LNG sites; and the Markey amendment, by bringing the Coast Guard to the table before new LNG sites are approved, I think is a necessary step in that direction.

As our Nation’s energy demands continue to grow, we must work to ensure that adequate energy sources are available; and I would be the last person to argue otherwise. We do need additional LNG facilities in this country. But we must be mindful that our public health, security and safety are not disregarded in the process.

I have never had a more maddening experience in my life than dealing with FERC. They did not consider, let alone discuss, any of the issues that were raised by the Commonwealth of Massachusetts, by our governor or by local officials or by local public safety officials. They also did not approve this and justified the approval without considering any of the evidence that was brought before them, evidence,
Mr. Chairman, I will try to be brief.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the Markey amendment. As the gentleman from Illinois (Mr. SHIMKUS) just mentioned, we have been through several attempts in the energy bill to recognize the NIMBY, not in my back yard movement. If you look at the LNG, you cannot have it both ways.

This House spoke overwhelmingly to say that we need and will support more natural gas supply within the United States by allowing or not adopting the Markey amendments in the energy bill, which I think is the proper place to discuss the topic of liquefied natural gas and its safety.

And, by the way, what we adopted in that energy bill is a streamlined process that does give FERC the ultimate authority on permitting and siting but also in that bill mandates to FERC that they have to take into account the safety concerns. It is stated right there in black and white. They have to adopt or they have to take into account the safety concerns, the procedural concerns from both the local, the county, the State governments and all of the Federal agencies, including the Coast Guard, that are involved in this process.

As the gentleman from Illinois (Mr. SHIMKUS) mentioned, the Coast Guard is already part of the process. It has jurisdiction over part of the safety plan that makes sure that the ships are safely brought in to the port facility. It escorts those ships, in fact. You know, I just have got to say that we have got to get away from this NIMBY mentality here.

Right now, we are paying $10 per Btu for natural gas. Mexico is a fraction of it. We look at what we use natural gas for in the United States, it is not just heating our homes. Eighty percent of the homes in Nebraska are heated with natural gas. I would presume that the homes in New Jersey and the East Coast are heated with natural gas.

Go tell your folks that you are in favor of their natural gas heating bill going up by 30 or 40 percent this December, January and February. Because that is what we are looking at.

But, also, it is a major element in cost in manufacturing, manufacturing chemicals, manufacturing fertilizer; and I am telling you our farmers in Nebraska cannot withstand the price increases that they are going to have to incur with fertilizer. Chemical plants are pulling out of the United States to avoid the high cost of natural gas.

We need this product in the United States. Let us keep it as this body has already decided with the streamlined approach that already incorporates all of the safety concerns from all of the local and State and Federal agencies.

Let us join the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and all of the others that are in opposition to this amendment.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, first of all, let me make clear that the misinformation which has been disseminated out here on the House floor. We have, in fact, not debated this issue ever before in the House.

What happened in the energy bill was that the Republican majority made a determination that they were going to remove governors and mayors from the decision-making process as to where an LNG facility can be sited. Until August of 2005, mayors and governors had a say. Now they do not because of the energy bill.

Now we all know that when and if a catastrophic event occurs, people in our country have learned not to depend
upon the Federal Government. They know that the first call has to go to the local fire, the local police. That is who they are going to call, and they have good reason to after what happened in New Orleans. I do not think any city or town is going to repeat the mistake that New Orleans made in waiting for Department of Homeland Security to respond.

But let us just say for the sake of discussion that we are going to remove the mayor and we are going to remove the governor from any say on where an LNG facility can go in the most densely urban populated parts of this State. What my amendment says is, at least allow the Federal Government to have a role. At least allow the Department of Homeland Security to have a role. But the Republican majority says, no, we are only going to allow the Federal Energy Regulatory Commission, which has no jurisdiction over homeland security, no responsibility to look at the public safety issues, they alone will look at these issues.

Well, you know, the recriminations which have taken place in the last 2 weeks all turn on one question. Why did not people listen to the Corps of Engineers? Why did not we give more protection to those people in that community? But we all know that the Corps of Engineers was ignored, that their warnings were ignored.

What the majority Republican party wants to do is to tell the Coast Guard, we do not have your view on where an LNG facility should be sited if you are going to tell us you disagree with the energy decision.

It should be all energy. No homeland security at all. No protection for the people who will be living in the mile or two around that facility. Now that, ladies and gentlemen, is what this debate is all about.

The gentleman from Illinois (Mr. SMIKUS) and the gentleman from Nebraska (Mr. ANDREWS) and the way, each of them could not try harder to get more geographically far away in Nebraska and Illinois from the coastline, our experts today, Mark Twain used to say, an expert is anyone who lives more than 1,000 miles away from a problem, and we have got two experts here today telling us on the coastline what we need.

Well, what we need, ladies and gentlemen, is the Coast Guard to make a determination as to whether or not they can protect against a catastrophic event, and what they are saying is no Coast Guard, no governor, no mayor, nobody but the energy companies. That is what it is all about. It is about the energy companies.

Yes, do not want to have your view on where an LNG facility can go in the densely populated parts of the country. We have the number one facility in America in my district. We need it in New England more than anyone else. But as a homeland security issue, it should have the Coast Guard making a determination as to whether or not it can be protected against a terrorist attack. And if an alternative is possible offshore or in a more remote area of that State, then they should be given the right to participate in that decision.

If you just leave it to the energy companies, which is what the Republicans want to do, this is just a continuation of their energy bill, letting the consumers get tipped upside down because the companies do not want to spend a few extra bucks to add into homeland security, the same way as the catastrophic events of New Orleans were just over saving a few bucks.

Well, this is your chance to do something about LNG facilities in densely populated areas, to give a say to the Coast Guard, rule out your Governor, rule out your mayor, but at least the Coast Guard, at least a part of the Federal Government should be part of this. To the expert, to the energy problem, you also have to have a Federal component to homeland security in 2005.

Al Qaeda is not taking a break. Al Qaeda is out there. Al Qaeda used the Boston Fanhandle route to bring in their Al Qaeda agents.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Richard Clarke in his book said on September 11, 2001 when he was asked to take over in charge of all homeland security response, his first thought was shut down the port of Boston, call the Coast Guard commandant there. That is where Abdul Meskini and the other Al Qaeda agents had come in on the LNG tanker from Algeria into Boston Harbor. That is how they got there, Abdul Meskini is in prison right now for the LAX millennium bombing plot.

So let us not kid ourselves. They are coming for urban areas. They are coming for the high-impact areas. They are coming for LNG facilities. They are coming for nuclear facilities. They want to use airplanes. They want the biggest event possible. They want London. They want Madrid. They want New York. They want L.A.

They want communities in densely populated areas. Let us not kid ourselves. Vote "aye" on the Markey amendment. Give the Coast Guard the homeland security ability to be able to make a decision to protect the citizens of our country.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Congressman MARKEY. His amendment seeks to protect the citizens of our cities and towns from the potential threat posed by liquefied natural gas, LNG, tankers traversing our waterways.

I fully grasp the need to import additional quantities of fuel, particularly natural gas. Our energy supplies are dwindling and have been further hampered by the recent events in the Gulf. However, I must question the haste of our efforts to import LNG without the proper planning to ensure the public's safety. As it stands now, the Federal Energy Regulatory Commission, FERC, has the preeminent authority in siting these LNG facilities. The recently passed Energy Bill even included a provision that uses in part State's rights in the siting process. The problem here is that FERC is an agency concerned with energy policy, yet they have limited expertise in security and public safety. In the past, we could rely on individual States to make security decisions, but now that authority is in jeopardy.

The most prudent action we can take at this time to ensure the safety and security of our citizens is to bolster the power of the Coast Guard. While the Coast Guard is already involved in siting LNG facilities, this amendment offered by Congressman MARKEY would give the Coast Guard the specific direction they need to properly and thoroughly examine risks posed to the public.

There is no doubt that LNG will become an increasing part of our Nation's energy supply. Moreover, there will be some prospective sites that are suitable for LNG facilities and others that are not. I am not here to make a judgment on any specific sites. Rather, I want the professionals in the Coast Guard to do the security analysis. Our energy needs cannot take precedence over the safety of our citizens. Once again, I support Mr. MARKEY's amendment and I urge my colleagues to include it in the final bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed until the conclusion of business today.

AMENDMENT NO. 4 OFFERED BY MR. FOSELLA

Mr. FOSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSELLA:

At the end of title IV add the following:

SEC. 4. VENUE DATA RECORDER REQUIREMENTS.

(a) Authority to prescribe regulations.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

§ 3507. Venue data recorder requirements.

(1) standards for voyage data recorders required under the regulations;

(2) methods for approval of models of voyage data recorders required under the regulations; and

(3) procedures for annual performance testing of voyage data recorders required under the regulations.
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(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary $1,500,000 each fiscal year.

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, illegal drug and migrant interdiction, etc. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. Loretta Sanchez of California:

In lieu of the matter proposed to be inserted at page 26, line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, illegal drug and migrant interdiction, etc. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

Page 25, line 15, strike "REPORT" and insert "REPORTS".

Page 25, line 24, strike "IN GENERAL." and insert "ADEQUACY OF ACTIVITIES".

Page 18, line 4, strike "A" and insert "AMENDING ACTS".

Page 26, after line 14, insert the following:

Amendment No. 2 offered by Ms. Loretta Sanchez of California:

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. Loretta Sanchez of California:

In lieu of the matter proposed to be inserted at page 26, line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard’s non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

Page 25, line 16, strike "IN GENERAL." and insert "ADEQUACY OF ACTIVITIES."
modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment would have the commandant of the Coast Guard review and report on whether the currently authorized level of active duty personnel is adequate for carrying out all the Coast Guard’s missions, including its newly expanded homeland security missions.

In the wake of Hurricane Katrina, we have seen how much our country relies on our Coast Guard. Currently, there are 2,400 Coast Guard members on the ground working on rescue and recovery efforts in the gulf coast, and to date they have saved over 33,000 lives.

The Coast Guard’s contribution to disaster response is extremely valuable, and it is only one part of what the Coast Guard’s broad mission is, which includes port, waterways and coastal security, recreational boater safety, search and rescue, illegal drug and migrant interdiction, aids to navigation, and the protection of our natural resources.

In the last couple of years, the Coast Guard security mission has grown exponentially as they work to secure our Nation’s ports, our ships, and the cargo. But despite these growing responsibilities, the Coast Guard’s authorized active duty personnel level is the same as it was in the early 1990s.

In the “Department of Homeland Security’s Inspector General Fiscal Year 2003 Report” on the mission performance of the Coast Guard, the demand for experienced and trained Coast Guard personnel was cited as one of the major barriers to improving and sustaining mission performance. So we must ensure that the Coast Guard has the personnel resources to achieve their broad and their very complex security missions while maintaining high performance on all of their other missions.

I would like to thank the chairman and ranking member and their staff for working with me on this issue, and I ask for my colleagues’ support of this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the intent and purpose of the gentlewoman’s amendment and her deep conviction in offering it, her concern that the Coast Guard undertake these evaluations and which the Coast Guard should be held accountable for.

But I think this will put a spotlight on this function of the Coast Guard and give a new urgency, especially in the aftermath of Hurricane Katrina, in these new homeland security responsibilities to which the gentlewoman has referred, to do a more thorough and current evaluation of the Coast Guard active duty personnel strengths and impacts on their homeland security missions, as well as the traditional historic function of the Coast Guard.

I appreciate the gentlewoman’s amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I appreciate the support of my good friend from Minnesota.

Mr. LOBIONDO. Mr. Chairman, as modified, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. INSLEE:

At the end of title IV add the following:

SEC. 405. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, recruitment, contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lock and key systems, surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

Mr. INSLEE. Mr. Chairman, I appreciate the Chair’s assistance on this.

We are offering this amendment in an attempt to address an inequity in the committee’s clear desire, it is the committee’s clear desire to have operation and maintenance costs available as outlined in the Maritime Transportation Security Act for coverage under this grant program.

After talking with the Congressional Research Service and with the Department of Homeland Security, it is clear that, at a practical level, on the ground at our ports, these costs, including overtime compensation for State patrol officers, are not being covered, despite the committee’s best efforts.

The Department of Homeland Security, however, responded to legislation passed by the Committee on Appropriations and takes a narrow view that operations and maintenance costs are not eligible to be covered.

I believe that the chairman is of a like mind and believes that operations and maintenance costs during times of increased alert, expenses like extra operators for screening equipment, overtime for security officers, and additional K-9 bomb units, should be eligible for reimbursement by the Federal Government. I am asking for the chairman’s help in addressing these issues.

These Federal security mandates place an undue burden on our ports, which are part of the lifeblood of our economy. We need to help them.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, is the gentleman withdrawing his amendment and asking for a colloquy?

Mr. INSLEE. Yes.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. OBERSTAR. Mr. Chairman, before the gentleman makes that request, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman is proposing a very thoughtful amendment and making a very reasonable request, that the Secretary reimburse local port authorities, facility operators, State and local agencies when the security threat goes above green, if it goes to yellow, orange or red, and there are additional costs shouldered by local governments, that the Federal Government should pick up 50 percent of that cost. Is that the thrust of the amendment?

Mr. INSLEE. Mr. Chairman, that is the thrust of the amendment.

Mr. OBERSTAR. If the gentleman will further yield, that is generally what our concern is, that they should not shoulder all these additional costs. I think there should be some way that we can reach accommodation when we go to conference with the other body on accommodating the gentleman’s concern.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Alaska.
Mr. YOUNG of Alaska. Mr. Chairman, as hard as it is for me, I am going to support the gentleman’s amendment, but my concern when I look at it is we have got to make sure that this does not come out of the Coast Guard’s budget. It also has to be the Homeland Security or some other arena, and that is what we can work out in this bill when we put it in. Because I do not want the Coast Guard’s budget to take money and go into it when they raise that threat status.

So I think the gentleman has got a good idea, and I am more than willing to work with him and see if we can solve it. I agree with the gentleman. Because when they put us on a higher alert, even though it might not even be in the arena of a port, it is a national higher alert, and it is a huge cost, and they have to carry that burden.

As long as we get the money from somewhere other than the Coast Guard, I am highly in support of it.

Mr. INSLEE. Mr. Chairman, we appreciate the gentleman from Alaska’s (Mr. YOUNG) comment. I would yield to the gentleman from New Jersey (Mr. LOBIONDO) if he wanted to make a further comment, but the gentleman from Alaska (Mr. YOUNG) seems to have covered the map.

Mr. LOBIONDO. Mr. Chairman, if the gentleman will yield, still with the understanding that the gentleman from Washington (Mr. INSLEE) is going to withdraw the amendment, I commend the gentleman from Washington for his strong concern about the increased costs to local ports involved in complying with the Maritime Transportation Safety Act.

These same concerns were on the minds of the members of the Committee on Transportation and Infrastructure when we first passed the Act in 2002. We had extensive discussions about it, and at that time we authorized a port security grant in the Act.

Unfortunately, as the gentleman has pointed out, that the Department is not following the intent of the law, and that is a problem, and that is a mistake we would like to correct.

We pledge, myself and the gentleman from Alaska (Mr. YOUNG), to work with the gentleman and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FINKEN) to continue as we move along with this bill to ensure that the port security grant program follows the criteria that we set out in the Maritime Transportation Safety Act. We will be very pleased to work with the gentleman on that.

The CHAIRMAN. Is there objection to the gentleman from Washington’s unprinted coin? He requests to withdraw the amendment?

There was no objection.

Amendment No. 9 Offered by Mr. MARKY

Mr. MARKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MARKEY: Add at the end the following new title:

TITLE I — REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS

SEC. 1. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;”;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required by any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;”.

SEC. 2. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.

Section 70105(b) of title 46, United States Code, is amended—

(1) in paragraph (1)(C) by inserting after “contingency response,” the following:

“chemicals or processes used by a facility that could hypothetically be substituted for safer chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident that could not significantly impair the ability of the facility to conduct its business;”;

(2) in paragraph (4) by striking “includes” and inserting “adequately addresses”.

Mr. MARKEY. Mr. Chairman, I will notify the majority that I intend on withdrawing my amendment, but I just wanted to make this commonsense suggestion at this time that perhaps we could continue to discuss and work on it in the months ahead.

My amendment deals with the reality that, especially in coastal areas, that there are huge containers of very dangerous chemicals and other toxic chemicals that are stored in those coastal areas right onshore and that, in many instances, those particular toxic materials have a now more modern, substitutable chemical which could be used in order to achieve the same purposes for the industries within our country.

What my amendment says is that when the Coast Guard writes an area maritime transportation security plan, it will now be required to list facilities located in that area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, but the Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or other sensitive areas that might have important economic or national security significance so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessments for these facilities, it is required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and it will have to work with special efforts or procedures that could reduce these consequences for proposed new facilities in its national maritime transportation security plan.

Finally, if the Department of Homeland Security agrees to accept the facility’s own vulnerability assessment or assessment by a third party, which it can do under the law, it will need to make sure that the assessment adequately addresses all of the elements of the assessments DHS does on its own.

Hurricane Katrina taught us a lesson. They will probably have to level a couple of hundred thousand homes in New Orleans, largely because of the toxic chemicals that we have infiltrated into those homes. Here we have an opportunity moving forward to make sure that we are reducing the most toxic chemicals, even as we substitute other chemicals that can be used in the very same processes to keep our American economy humming.

Mr. Chairman, the events of the past few weeks have served as a wake-up call in so many areas of our lives. We’ve learned just how vulnerable some of our cities are to Mother Nature, how vulnerable our oil and gas infrastructure is, and, frankly, how vulnerable we all are as we contemplate the implications of our failed response to Hurricane Katrina to future terrorist attacks that will come with no National Weather Service warnings and could be even more devastating.

While the debate over how we can ensure that we move more quickly and efficiently to respond to the next Katrina or 9/11 will wait until another day, there are aspects of the bill in front of us today that can be changed to increase the chances that the potential consequences of such a catastrophe are minimized.

We have learned, for example, that the hurricane has rendered several Gulf coast refineries inoperable, and in some cases this may be a status quo for some time to come. We have also learned that the extent to which the hurricane caused breaches in these and other facilities storing toxic chemicals is not yet clear—the very preliminary EPA tests show highly elevated levels of lead and other toxic materials in some areas of New Orleans, and EPA is really only just beginning its environmental sampling process. We may be looking at an environmental catastrophe that requires an enormous amount of money to remediate, in addition to all the other reconstruction and relief costs.

And, though the hurricane was certainly a catastrophe in and of itself, the reality is that a terrorist attack on just one facility containing toxic chemicals could have led to even more

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fatalities. According to a recent Congressional Research Service report I requested, there are about 50 facilities in Louisiana at which a worst-case release could put 100,000–999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there are more than 20 facilities at which a worst-case release could put 100,000–999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000–999,999 people at risk.

While some of the chemicals stored in these facilities are necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled “Eliminating Hometown Hazards” by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands, even though economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled “Needless Risk: Oil Refineries and Hazard Reduction” by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans, as reported by CNN, has 600,000 pounds of hydrofluoric acid stored on site. According to the Energy Information Administration and press reports, the Chalmette facility spilled tons of thousands of barrels of oil into the surrounding neighborhoods and could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

The Maritime Transportation Security Act addressed some of the security concerns associated with chemical facilities located at or near ports. As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe that we need to focus not just on cleaning up the damage, but also on trying to reduce the consequences of similar damage occurring in the future, be it due to hurricanes, earthquakes or terrorist attacks. Other legislation may address the need to strengthen the levee system surrounding New Orleans so that future hurricanes can’t breach them as easily—my amendment seeks to do things that did not have to do with the levee, but with things that can reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack.

The Maritime Transportation Security Act requires that the Department of Homeland Security agree to accept a facility’s own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own. Hurricanes taught us that we can’t ignore the experts’ warnings forever—sooner or later, being shortsighted will catch up to us, and as we’ve seen, the price we may pay may be both costly and to some extent avoidable.

While some of the chemicals stored in these facilities as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack. This amendment would require the Department of Homeland Security to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its National Maritime Transportation Security Plan.

Finally, if the Department of Homeland Security agrees to accept a facility’s own vulnerability assessment or assessment by a third party, which it can do under the law, the Coast Guard will have to recertify the assessments in writing. This amendment would require the Coast Guard to do this, taking money away from the mission they should be doing, that search and rescue, saving our seamen, attending to our fishing pirates, doing the things that have been charged to the Coast Guard.

I am not going to add another responsibility to this Coast Guard. I had hoped the gentleman would withdraw his amendment. He has made his other statements. He can put this on another piece of legislation. He can argue, but this is a bill we have put together bipartisanly. It is a bill agreed to by the gentleman from Minnesota (Mr. Oberstar) and myself and the gentleman from California (Mr. Filner) and the gentleman from New Jersey (Mr. LoBiondo), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

Mr. YOUNG. Mr. Chairman, he has some good points, if I may say to the gentleman from California (Mr. Filner) and the gentleman from New Jersey (Mr. LoBiondo), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

Acting CHAIRMAN (Mr. Gingrey). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I want to be in charge by saying that we were briefed by the EPA yesterday and that the EPA has indicated that they have only just begun sampling and that they have, in fact, found highly elevated levels of lead, e.coli and other toxic substances. We are only at the beginning of this entire story.

If I may say to the gentleman from Alaska, I know what the gentleman is saying about making amendments on this issue to other bills. He has to understand the frustration of being in the minority this institution.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, try 22 years of being in the minority. That is longer than the gentleman has been in the minority.

Mr. MARKEY. Mr. Chairman, I know that the gentleman has now been able successfully, I would say, to have all of his amnesia treatments be completely accepted by his system because I do not believe he can really appreciate how many times I have gone before the Committee on Rules and asked for an amendment on this subject, on the energy bill, on the homeland security bill. So it is out of frustration, and I will admit that, it is out of frustration that I attempt to make it on the Coast Guard bill.

The gentleman has some good points, but this is a point that should be raised, and it should be raised especially in the aftermath of New Orleans and the toxicity that is now rampant throughout that community. There is just the need for us to have this discussion, and it is a Coast Guard mission in
general, safety and security, although I accept the gentleman’s point that the EPA would be the point on that, but it is difficult for the minority to have amendments successfully accepted on any issue that deals with the EPA out here because it is a hold floor.

That is the reason I raise the point, and that is the reason I announced I was going to ask unanimous consent to withdraw it as well, so the point would be made that it is an important subject. I believe it is in both of ours. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know that political activation and political implementation are much further down the line and dependent upon the goodwill of the Committee on Rules and the Republican leadership that we have an amendment like that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will further yield, I hope the gentleman will withdraw the amendment for numerous reasons.

I have to acknowledge one thing. He has been allowed to offer this amendment because I asked for an open rule. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know the gentleman and some other people wanted an opportunity to use the platform to bring up this type of subject, and I respect that. I just suggest respectfully that this is not the bill to do this on, and I really respect the gentleman to think about withdrawing the amendment.

Mr. MARKY. Mr. Chairman, if I may reclaim my time, I appreciate the fact that this is an open rule; and, from a rules perspective, even a blind squirrel finds an acorn once in a while. So I am out here, and all of a sudden I run into an open rule; and, believe it or not, for me, it is just you have got to make the amends, the shiners, my other used to say. So this is just my opportunity to be able to make the case, knowing at the end of the day that there were other bills that were more appropriate and agencies that had more expertise to be able to do the subject, and at the end of the day knowing that the Coast Guard will be the agency that deals with the consequences of something not being done.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn. There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. GINGRER). The pending business is the demand for the recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.
The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

YEAS—415

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. This vote is the final vote, as required by rule 22.

The yeas and nays were ordered.

The Speaker pro tempore. The yeas and nays are ordered.

The yeas and nays were ordered.

The Speaker pro tempore. Vote taken by electronic device.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

The bill was passed.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE SELECT BI-PARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The Speaker pro tempore. The pending business is the de novo vote on adoption of House Resolution 437.

The Clerk read the title of the resolution.

The Speaker pro tempore. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The Speaker pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

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

The yeas and nays were ordered.

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The yeas and nays were ordered.

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The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

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The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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The yeas and nays were ordered.

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The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

The bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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The yeas and nays were ordered.

The Speaker pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

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So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to yield to the distinguished whip for yielding to me.

Mr. Speaker, the House will convene on Tuesday and Wednesday at 2:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will consider additional legislation under suspension of the rules, as well as two measures under a rule: H.R. 2123, the School Readiness Act of 2005, and H.R. 250, Manufacturing Technology Competitiveness Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the majority leader for that information.

First of all, on the general proposition for the month of October, we had had discussions last week; and it is clear that the second week of October, it will not be practical to meet because of the various important dates on that week. The first week was somewhat in flux at that point in time.

Could the majority leader bring us up to date on when currently the thinking of the leader's office is on where we will be on the first week of October?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yield. As the gentleman knows, the Rosh Hashanah holiday falls in the middle of that week; and while we wanted to plan the voting schedule for that week around that holiday, and we are still trying to do that, we still believe it may be necessary for the House to be in session at some point in that week.

Mr. HOYER. Mr. Speaker, I yield the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yield. As the gentleman knows, the Rosh Hashanah holiday falls in the middle of that week; and while we wanted to plan the voting schedule for that week around that holiday, and we are still trying to do that, we still believe it may be necessary for the House to be in session at some point in that week.

Mr. HOYER. Mr. Speaker, I yield the gentleman from Texas.
Mr. FRANK. Mr. Speaker, before I yield to my friend from Texas, I would say that the gentleman understands that this bill is being blocked in a very significant way, and his constituents, I think, will have the sense to understand that. I am not sure you even know this, but the gentleman from Massachusetts (Mr. FRANK) informs me that there are very significant sums that would be available to the Gulf area for housing in the GSE bill, which will be regular appropriations, and the benefit would be that this money would be available, and we know we are going to have to spend money in that area.

Can you tell me why the GSE bill is not on the floor? This deals, as you know, with Fannie Mae and Freddie Mac.

Mr. DELAY. Well, we do understand that this bill came out of the Committee on Financial Services I think with overwhelming agreement. It is a bill that is anticipated, and we really want to bring it to the floor. To be quite honest with you, we have some Members on this side of the aisle that are pushing for some changes in that bill before we bring it to the floor; and we are in that process. As soon as we can get a consensus of where our Members are on that bill, then we will bring it to the floor.

Mr. HOYER. Mr. Speaker, if the gentleman from Texas (Mr. DELAY) does not object, let me yield to the gentleman from Massachusetts (Mr. FRANK), the ranking member, because I know he has worked very hard with the gentleman from Ohio (Mr. OXLEY), as you so well know, in a very bipartisan way. You mentioned 63 to 5, 65 to 5; and so we did not perceive there to be much opposition to the bill.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. DELAY. At this point, we believe that we can complete the legislation we have scheduled for next week by Thursday night of next week. However, however, given the still fluid situation in the Gulf coast area, we are not yet prepared to cancel the session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am presuming, and there was some discussion about this last week, that at some point in time in the next couple of weeks, we are going to have to do some sort of continuing resolution. Is that the gentleman’s belief as well?

Mr. DELAY. Mr. Speaker, I thank my friend for yielding. Yes, the way things look, the gentleman knows that we have passed all of our appropriations bills out of the House and did so before July 4. The Senate does not have the same schedule, and it is quite obvious to all of us that they will not be able to get all of their appropriations bills across their floor in a timely manner. So we do anticipate to do some sort of CR before the end of this month. Whether it is next week or the following week, we do not know yet.

Mr. HOYER. Mr. Speaker, does the gentleman have any thoughts at this point in time regarding the length of time of the initial CR that we would consider? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. No, I have not been advised by the Committee on Appropriations as to what they are thinking. I am simply making the point that it is starting to be a situation where the discussions with the Senate and the gentleman’s leadership starting next week, because we are going to have to deal with that issue.

Mr. HOYER. I thank the gentleman.

The GSE, the GSE bill was initially, our thought was that would be on the floor this coming week.

The gentleman from Massachusetts (Mr. FRANK), the ranking Democrat on the Committee on Financial Services, is on the floor and has been involved in this bill. I am not sure you even know this, but the gentleman from Massachusetts (Mr. FRANK) informs me that there are very significant sums that would be available to the Gulf area for housing in the GSE bill, which will be regular appropriations, and the benefit would be that this money would be available, and we know we are going to have to spend money in that area.

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Can you tell me why the GSE bill is not on the floor? This deals, as you know, with Fannie Mae and Freddie Mac.

Mr. DELAY. Well, we do understand that this bill came out of the Committee on Financial Services I think with overwhelming agreement. It is a bill that is anticipated, and we really want to bring it to the floor. To be quite honest with you, we have some Members on this side of the aisle that are pushing for some changes in that bill before we bring it to the floor; and we are in that process. As soon as we can get a consensus of where our Members are on that bill, then we will bring it to the floor.

Mr. HOYER. Mr. Speaker, if the gentleman from Texas (Mr. DELAY) does not object, let me yield to the gentleman from Massachusetts (Mr. FRANK), the ranking member, because I know he has worked very hard with the gentleman from Ohio (Mr. OXLEY), as you so well know, in a very bipartisan way. You mentioned 63 to 5, 65 to 5; and so we did not perceive there to be much opposition to the bill.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. DELAY. At this point, we believe that we can complete the legislation we have scheduled for next week by Thursday night of next week. However, however, given the still fluid situation in the Gulf coast area, we are not yet prepared to cancel the session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am presuming, and there was some discussion about this last week, that at some point in time in the next couple of weeks, we are going to have to do some sort of continuing resolution. Is that the gentleman’s belief as well?

Mr. DELAY. Mr. Speaker, I thank my friend for yielding. Yes, the way things look, the gentleman knows that we have passed all of our appropriations bills out of the House and did so before July 4. The Senate does not have the same schedule, and it is quite obvious to all of us that they will not be able to get all of their appropriations bills across their floor in a timely manner. So we do anticipate to do some sort of CR before the end of this month. Whether it is next week or the following week, we do not know yet.

Mr. HOYER. Mr. Speaker, does the gentleman have any thoughts at this point in time regarding the length of time of the initial CR that we would consider? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. No, I have not been advised by the Committee on Appropriations as to what they are thinking. I am simply making the point that it is starting to be a situation where the discussions with the Senate and the gentleman’s leadership starting next week, because we are going to have to deal with that issue.

Mr. HOYER. I thank the gentleman.

The GSE, the GSE bill was initially, our thought was that would be on the floor this coming week.
supported, obviously, by the gentlemen from Massachusetts (Mr. FRANK) other Members ought to have the opportunity to look at this bill and negotiate a bill that would receive the same sort of ratio here on the floor, rather than having a contentious battle on the floor and writing the bill on the floor.

We try our best to write bills in committee, but when the bill changes from committee to the floor, negotiations are created, and we are in the process of the floor. And if that is the way this process works. The gentleman from Massachusetts has been here a lot longer than me, and he understands that.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, one of the things I have been terribly worried about is the inability of Congress to move quickly to do something to affect the victims of Katrina. I am very, very worried that we are going to be seen as a body that cannot get its act together when we are confronted with this terrible disaster. We have an opportunity to use substantial resources that could be applied toward the rebuilding of homes, to getting people started again; and if we keep fiddling and not keep fiddling, then we are going to come under great criticism because we are not doing what we can do.

So I would just simply urge all of my colleagues, do not play with this. There are people who are suffering and people who are depending on us. We have got a great way by which to provide real assistance. Let us get it done.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I guess the gentlewoman from California (Ms. WATERS) forgets or has a short memory. I think we came into special session to spend $10.5 billion just a few days after the disaster hit, came back the next week and spent $51 billion to go to immediate relief.

We have passed some six to eight bills in the last few days that directly affect people and their ability to get their lives back together. I believe, if we think anybody, and certainly not this House, is dragging its feet on anything.

What the gentlewoman is talking about is a process that, frankly, will take months to get the money that we are talking about in order to build the houses that she wants; and being able to negotiate a few weeks or days to get this bill right and not get it wrong I think is very much the responsible way to proceed.

Mr. HOYER. Mr. Speaker, reclaiming my time.

I appreciate the majority leader’s response. There obviously is a difference of view of how soon that those dollars could flow from the ranking member of the subcommittee and the ranking member of the full committee.

You mentioned days. I would certainly hope it could be days. Because I think we would all be advantaged in a bill, particularly if we could pass it with the overwhelming majority that was received both in the subcommittee and in the full committee.

Moving on, Mr. Leader, in addition to the bills you have listed for next week, do you anticipate any Katrina-related legislation will come to floor? And if so, will those bills go through the committee of jurisdiction and be considered under rules on the floor that allow full debate?

You mentioned, as a preface to that, obviously almost all of us voted for the $52 billion. But I think everybody on the floor was concerned about the level of information we had about what had been spent of the $10 billion, how much was going to be spent, on what, of the $52 billion.

In that context I ask that question. Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the total of $62 billion that we have authorized FEMA to spend is designated already in present law. FEMA already knows what they can and cannot spend that money on, and that I know has created some concern. You cannot have it both ways. You cannot say this is too much money, and we do not know how to spend it, yet be frustrated when FEMA is complying with the law and when they are spending the money. That creates a problem.

As the gentleman knows, the problem is we have a disaster unlike we have seen in this country, not just the hurricane but the displacement of hundreds of thousands of people for a very long period of time, and displaced not just out of the area but out of their State, which has created new concerns and new problems; and we are trying to address those immediately.

But the administration is addressing many of these issues within the law through waivers or redesigning certain programs, and a lot of it is being taken that way. But there are some things that we must do. The committees, hopefully working in a bipartisan way, are looking at all of those kinds of issues; and that is where the six or eight bills that we have passed over the last 2 weeks have come from.

Understanding that those students, for instance, that may have lost their Pell Grants, in anticipation of going to universities that have closed, need some fix. We fixed that. We tried to develop a system where we could make available more TANF funds earlier, and we fixed that. We went down the line fixing those things that we thought needed fixed immediately. We are still working on others.

I have to tell you that the Senate does not see it the same way, and they are sitting on these bills and not passing them, and I would urge all Members of the House to contact their Senators and talk to them about picking up these bills and passing them, because they are incredibly important to people that need these changes.

Mr. HOYER. Mr. Speaker, reclaiming my time. I thank the leader for that observation and information.

I would urge the leader, as we bring additional bills to the floor, that we give the opportunity to have these bills fully considered by the floor. We want to move them. We want to move them quickly.

The overwhelming majority of us on both sides of the aisle have voted for all of the bills that you just referenced on the theory, as you said, that we need to move ahead on the Pell Grants and TANF and on the dollars themselves, on liability issues.

But the failure to give full consideration to them, assuming full consideration does not mean days and weeks delay but a full day of consideration of these pieces of legislation, we believe is appropriate, particularly if we deal with another very large money bill.

We hope it goes through committee, and we hope it comes to the floor with an opportunity for Members to make suggestions in forms of amendment, either cutting or adding or shifting, as the case may be, those resources. Because we think that is, you know, the purpose of the process is, our collective judgments are better than our individual judgments. And that is democracy is.
an opportunity to participate and have their input. We are going regular order on most of the bills, but there are some that need attention immediately; and that is why we moved quickly in consultation and cooperation with the other side of the aisle. And we thought these bills all bills that had everybody’s consent because we even checked with the Senate, we checked with the administration, and we thought these bills could move quickly. Unfortunately, the Senate sees it differently.

Mr. HOYER. I thank the gentleman. I would simply add again that as the gentleman indicated, trying to go regular order, obviously, both sides understand that these are things we need to move with great dispatch so we can help the people that need help and get it to them when they need the help. We are all for that.

On the supplemental, the President has indicated there is going to be a need for another supplemental. Do you know when we might consider such a supplemental; how much that supplemental might be for? And if we start considering it early, while the $52 billion is still available to be expended to assist those, it will give us a little bit of time to go through the process that the gentleman indicates is the best process.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman do not know, other than in the press, and in many of these issues the press has gotten it wrong, that there has been any supplemental suggested by the President of the United States. He has not contacted my office. As far as I know, he has not contacted the Speaker’s office, nor the chairman of the appropriations office about another supplemental. Quite the contrary. They are trying to avoid having another supplemental and trying to spend the money properly and get it to the people. So I am not aware of any supplemental certainly in the short term.

Mr. HOYER. I thank the gentleman for that information.

Now, there is some speculation about an energy bill being considered. Obviously, gasoline prices are extraordinarily high. The American public is very concerned about their energy costs, about the policies of this country. Do you anticipate an energy bill coming to the floor any time within the next 2 weeks or 3 weeks?

Mr. DELAY. I appreciate the question, because Members need to be aware that the Committee on Energy and Commerce is working on a fuel bill to try to address the concerns, particularly of supply and the lack of refining in this country.

The gentleman knows that there were a lot of issues that were dropped out of the energy bill that was signed by the President about a month ago that would be having an effect right now. We are going to revisit those issues.

There are other issues that have come to mind. People are starting to understand that as the cold weather starts closing in on us that the cost of fuel oil is going to be astronomical, that the increase in electricity costs are going to be astronomical. The cost of natural gas, and we all understand that supply is the real problem; and we are going to try to address that and hopefully address it as soon as we can, do it in regular order, and bring it to the floor for consideration of this House.

Mr. HOYER. I thank the gentleman. Do you have any idea what “as soon as possible” is, the time frame? Next 3 weeks, next month, late October, November? Do you have any idea on that?

Mr. DELAY. There is really no way of knowing. It is really up to the committee and how fast they can do their work. I might say that the chairman of the committee’s wife is having a baby today so that has created a problem. So I don’t know. They are working as hard and as fast as they can, and it is incredibly important for us to deal with this issue as soon as possible.

Mr. HOYER. Reclaiming my time, and I assure the gentleman that is not a problem. Please convey the Democratic congratulations to the chairman and more importantly his wife, the mother.

Two last bills I will ask you about, Mr. Leader, and I appreciate the time that the committee is taking on this. Reconciliation: There was a discussion about putting off reconciliation. We have put off reconciliation at least until the end of the month, as I understand it probably until October. Can you tell me whether or not we still anticipate reconciliation moving forward and, if so, are there going to be two bills? One the $35 billion in mandatory spending cuts among which is $10 billion in Medicaid cuts, and/or the $70 billion in tax cuts that was in the President’s budget reconciliation instructions.

Mr. DELAY. I appreciate the gentleman yielding and for the question. The gentleman probably knows that I think today the Committee on the Budget has sent a notice to the House that they have postponed the process until the end of October because of what is facing us now. We thought it would be better to do that, and the Committee on the Budget agreed. And so this process will not even be started until the end of October. As the gentleman also knows, the budget that was passed by the House allows for two bills, one an entitlement reform bill and another a tax bill. We anticipate taking advantage of both and trying to reform entitlement spending so that real money is getting to real people that need it. And we also anticipate some sort of tax bill because we feel like, particularly under the present circumstances, to continue this good economy and we have got, we hope to enhance it even more.

Mr. HOYER. Reclaiming my time, the last bill I would ask you about is the subject matter that has been one of the biggest subjects that we have been considering this year. The President put it on the agenda, the Social Security privatization, private accounts act. Can you tell me whether or not we anticipate a Social Security bill coming to the floor this year.

Mr. DELAY. The Committee on Ways and Means remains focused on developing a comprehensive retirement security package. And still hope that the House will be able to consider legislation in this area before we end this session. That is about as much as I am informed as to where the bill is, what is in it, and when it will come.

Mr. HOYER. I thank the gentleman. Let me say on behalf of the minority, the Democrat side of the aisle shares your concern and commitment to assuring retirement security for our people. As you know, we strongly disagree with the suggestion that has been made by the administration with reference to the creation of private accounts and what we perceive as privatizing parts of Social Security. But I want you to be assured that we will be working that you will make sure that retirement accounts are secure and that Americans have opportunities to participate in the creation of retirement accounts. I thank the gentleman for his observation.

ADJOURNMENT OF PROCEEDINGS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in the House be interrupted for a recess. Treatment is interrupted as the House will be adjourned on the day, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning debates.

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

There was no objection.

DISPENSING WITH CALENDAR

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in the House be interrupted for a recess. Treatment is interrupted as the House will be adjourned on the day, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning debates.

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

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 445) and I ask unanimous consent for its immediate consideration.
Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.
Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.
Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.
Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES ON SEPTEMBER 20, 2005

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 237) expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 237

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.
Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.
Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.
Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WHEREAS for more than 50 years an iron-clad alliance existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

WHEREAS the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

WHEREAS Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

WHEREAS the upcoming September 20, 2005, visit to the United States of Taiwan’s President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

WHEREAS on September 20, 2005, Taiwan’s President Chen Shui-bian will be presented the Human Rights Award by the Congressional Human Rights Caucus for his efforts in promoting tolerance, democracy, and human rights;

WHEREAS Taiwan’s President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq;

WHEREAS the Government of Taiwan has donated $2 million of Taiwan’s Government of the United States to help with relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina; Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on September 20, 2005;
(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;
(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;
(4) recognizes the commitment and efforts of President Chen Shui-bian of Taiwan to maintain the peace and stability in the Taiwan Strait;
(5) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the Congressional Human Rights Caucus; and
(6) thanks President Chen Shui-bian and the government and people of Taiwan for their contribution to relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble was agreed to.

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read the amendment offered by Mr. Chabot.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable William J. Jefferson, Member of Congress:

COMMUNICATION FROM THE HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable William J. Jefferson, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 13, 2005.

Hon. J. DENNIS HASTERT,
Member of Congress,
Washington, DC.

Dear Mr. Speaker:

This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia. I will make the determinations required by Rule VIII.

Sincerely,

William J. Jefferson
Member of Congress.
for 1 minute and to revise and extend her remarks.

Mrs. BLACKBURN. Mr. Speaker, I look forward to hearing the President address the Nation this evening on our plan to be certain that America’s Gulf Coast states continue to receive the assistance they need to rebuild.

I want him to know that Tennessee is doing its part to help those that are affected by Katrina. The past few days I have talked about some of the good work our west and middle Tennessee organizations have done to assist the recovery effort.

Today I want to thank our Clarksville and Montgomery County, Tennessee, volunteers and organizations, especially those providing food, like Urban Ministries, Loaves & Fishes, and the Department of Human Resources. The Hilldale Church of Christ and the Cumberland Baptists Association are providing shelter. The Salvation Army Thrift Store and First Call For Help have provided clothing.

Gaza Pullout

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

Mr. MCHENRY. Mr. Speaker, Israeli Prime Minister Ariel Sharon has shown bold leadership. Prime Minister Sharon took a significant risk to both his political future and personal safety to organize the Gaza Pullout of Gaza.

Thousands of Israelis were moved from their homes in Gaza to give peace a chance. With no guarantees from the Palestinians, the Israelis moved all that was important to them, moved their home, their goods, including the remains of their families and friends.

Mahmoud Abbas and the Palestinian Authority must show leadership and root out radical terrorist groups like Hamas. Israel took the first step in the hope of developing a lasting peace with the Palestinians. Abbas must confront violence against Israelis, eliminate the terrorist infrastructure, disarm and arrest those involved in terrorist plots and institute democratic reforms in all Palestinian-controlled areas.

Mr. Speaker, Prime Minister Sharon showed bold leadership and courage. Now the Palestinians must act.

Airline Employees

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

Mr. PRICE of Georgia. Mr. Speaker, yesterday, two cornerstones of the airline industry filed for bankruptcy. The headlines this morning talk about Delta and Northwest and the customers, but what should be on the front page are headlines about the employees. The employees were the ones who will be impacted the most. Delta and Northwest combined have over 90,000 employees, and that number does not include the retirees who will also have to deal with this issue.

People who have worked a lifetime to retire comfortably are now in jeopardy of having their promised benefits cut by 75 percent. Can you imagine that, 75 percent?

Delta and Northwest Airlines are the latest casualties in a competitive airline industry, and these recent Chapter 11 filings are a symptom of a greater problem and must serve as a wake-up call for all of us. Employees must have the flexibility to choose how they wish to secure their retirements if legacy carriers are to remain in the industry. This means IRAs and 401(k)s, the power to secure your retirement should be in your own hands.

Mr. Speaker, the news today affects all of us, and I ask my colleagues to support comprehensive airline pension reform so these employees retain a more secure future.

In Memory of Judge Marc Westbrook

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

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost a judicial statesman with the death of Judge Marc Westbrook. In dedicating the Lexington County Courthouse main courtroom in his honor, Marc was fondly recognized as a loving father, devoted husband, dedicated scientist legislative and brilliant judge. These accolades are truer today than ever before.

Judge Westbrook is a role model and mentor of integrity and competence for young lawyers who served as clerks, such as my son Alan and my Chief of Staff Eric Dell. In addition to his passing, we give tribute to his law clerk Randall Davis, Junior, who also sadly was killed in yesterday’s traffic accident.

The Wilson family, especially our oldest son Alan, who considered the judge an uncle, extends its deepest sympathies to his wife, Linda; his sons, Thad and Richard; his father, Herb; his sister, Dottie; his beloved granddaughter, Abby; and his additional family members. We also express our deepest sympathies to the Davis family and his father Randy and sister Julie.

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

Appointment of Hon. Mac Thornberry to Act as Speaker Pro Tempore to Sign Enrolled Bills and Joint Resolutions Through September 20, 2005

The Speaker pro tempore (Mr. DAVIS of Kentucky) laid before the House the following Communication from the Speaker:

WASHINGTON, DC, September 15, 2005.

I hereby appoint the Honorable Mac Thornberry to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

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

The Speaker pro tempore. Without objection, the appointment is approved.

There was no objection.

Announcement by the Speaker Pro Tempore

The Speaker pro tempore. The Chair will proceed to recognize Members for Special Order speeches without prejudice to possible further legislative business.

Special Orders

The Speaker pro tempore. Under the Speaker’s announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The Coming Category 5 Financial Hurricane

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the tragic events of abject poverty in New Orleans revealed on national TV by Katrina’s destruction were real eye-openers for many. These scenes prompted two emotional reactions. One side claimed Katrina proved there was not enough government welfare and its distribution was based on race. The other side claims we need to pump billions of new dollars into the very agency that failed, FEMA, while giving it extraordinary new police powers. Both sides support more authoritarianism, more centralization, and even the imposition of martial law in times of natural disasters.

There is no hint that we will resort to reason now that the failed welfare policies of the past 60 years have been laid bare. Certainly no one has connected the tragedy of poverty in New Orleans to the flawed monetary system that has significantly contributed to the impoverishment of a huge segment of American society.

Congress reacted to Katrina in the expected irresponsible manner. It immediately appropriated over $60 billion with little planning or debate. Taxes

H8062 CONGRESSIONAL RECORD — HOUSE September 15, 2005
The sad truth is that monetary debasement hurts the poor people the most, the very people we saw on TV after Katrina. Inflating our currency hurts the poor and destroys the middle class, while transferring wealth to the ruling class. This occurs in spite of the good intentions and the misplaced compassion.

We face a coming financial crisis. Our current account deficit is more than $600 billion annually. Our foreign debt is now more than $5 trillion. Foreigners now own over $1.4 trillion of our Treasury and mortgage debt. We must borrow $3 billion from foreigners every business day to maintain our extravagant spending. Our national debt is now over $600 billion per year; and, guess what, we print over $600 billion per year to keep the charade going. The national debt is approaching $8 trillion, but there is a limit, and I am fearful we are fast approaching it.

Runaway inflation is a well-known phenomenon. It leads to political and economic chaos of the kind we witnessed in New Orleans. Hopefully, we will come to our senses and not allow that to happen, but we are vulnerable, and we have only ourselves to blame.

The flawed paper money system in existence only since 1971 has allowed for the irresponsible spending of the past 30 years. Without a linkage to gold, politicians can spend at will, and the Federal Reserve has no restraints placed on their power to devalue our money by merely printing more to pay the bills run up by the welfare-warfare State.

This system of money is a big contributing factor in the exporting of American jobs, especially in the manufacturing industries.

Since the last link to gold was severed in 1971, the dollar has lost 92 percent of its value relative to gold, with gold going from $35 an ounce to $450 per ounce.

A major adjustment of the dollar and the current account deficit can come anytime, and the longer the delay the greater the distortions will be in terms of a correction. In the meantime, we give leverage to our economic competitors and our political adversaries, especially China.

The current system is held together by a false confidence in the U.S. dollar that is not supported by events in the economy and political events.

This is my suggestion to my colleagues. Any new expenditures must have offsets greater in amount than the new programs. Foreign military and foreign aid expenditures must be the first target. The Federal Reserve must stop inflating the currency merely for the purpose of artificially lowering interest rates to perpetuate a financial bubble.

This policy allows government and consumer debt to grow beyond sustainable levels, while undermining incentives to save. This, in turn, undermines capital investment, while exaggerating consumer debt. If the policy does not change, the dollar must fall, and the current account deficit will play havoc until the house of cards collapses.

Our spending habits, in combination with our flawed monetary system, if not changed will bring us a financial whirlwind that will make Katrina look like a minor storm. Loss of competence in the dollar and the international financial system is a frightening possibility, but it need not happen if Congress can curb its appetite for buying the people’s support through unrestrained spending.

If Congress does not show some sense of financial restraint soon, we can expect the poor to become poorer, the middle class to become smaller, and the government to get bigger and more authoritarian—while the liberty of the people is diminished. The illusion that deficits, printing money, and expanding the welfare and warfare states serve the people must come to an end.

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

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

RECOGNIZING THE ARMENIAN GENOCIDE

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

Mr. SCHIFF. Mr. Speaker, today, in the Committee on International Relations a remarkable thing happened. Not one but two resolutions recognizing the facts of the Armenian genocide passed out of the committee with strong bipartisan support, indeed with the support of both the gentleman from Illinois (Mr. Hyde), the chairman, and the gentleman from California (Mr. Lantos), the ranking member.

One of those resolutions I introduced to recognize the first genocide of the 20th century, the genocide which claimed the lives of 1.5 million Armenian men, women and children. The facts of that genocide are clear. The facts of genocide are incontrovertible. They are borne out in thousands of pages of documents in our own archives. They are found in the words and the transmitted telegrams of our Ambassador, Henry Morgenthau, at the time.

The only obstacle that the Congress has faced, and it has been a formidable one, in recognizing the Armenian genocide is the resistance of the Republic of Turkey, the well-documented efforts of its powerful lobbyist, and the feeling of some that, by recognizing what all historians have recognized, that we will somehow jeopardize our relations with an ally.

I have never taken issue with the fact that Turkey is an ally to the United States. It is an ally. It is at a strategic crossroads. It is an important member of NATO. At the same time, it cannot equivocate about the murder of 1.5 million people; and the differences that we have had with Turkey, and they have been considerable, over a whole host of issues have not ruptured recognition of the genocide.

During the run-up to the Iraq war, many of my colleagues will remember, we sought the permission of Turkey to allow American and Coalition ground forces to enter Iraq through Turkey. The Turkish Parliament voted for that, and they voted against it. That was of enormous significance to this country.

As a result of that, we could not open that second northern front; as a result of that, many melted away to the Iraqi population, many of the insurgents that we now fight with so bitterly. That had enormous consequences, but it did not end the relationship with the United States, and recognition of the historic facts of the genocide will not strain our relationships with the Turks, either. There are strong mutual interests at stake which will transcend the recognition of the historic facts.

In the past, American leaders have recognized genocide. Ronald Reagan spoke eloquently of the facts of the genocide. Winston Churchill in his memoirs documents the murder of hundreds of thousands of Armenians in a crime at the time that was unequaled. Here we are, fresh from recognizing Darfur, but unwilling to recognize the murder of 1.5 million Armenians.

What does that say about American policy? Can our policy be that we will recognize genocide when it is committed by the politically impotent, as in the case of Sudan, but not in the case of the politically powerful as in the case of the Ottoman Empire and its Turkish successors? This certainly cannot be the policy of the United States. We must recognize unequivocally that, beginning in 1915, 1.5 million people were murdered merely because of who they were as a people, the very definition of genocide.

With the passage of these resolutions, with the support of the chair and the ranking member, with the overwhelming support on both sides of the aisle in committee, I hope that we can suddenly change the course, something we have not had in more than a decade, so that we can once again reestablish the moral authority and clarity
that comes with recognizing genocide, past or present, foe or friend, alike. I urge the Members of this House to join in an effort to call upon the leadership to hear the genocide resolution, and I hope the leadership will heed that call.

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

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

ANGELS IN ADOPTION AWARD

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

Ms. FOXX. Mr. Speaker, this week we have had a lot of focus on various sad issues, but there was a wonderful situation that occurred in Washington this week: people came from all over the country for a program called Angels in Adoption.

There was a wonderful couple from the fifth district who came to receive the Angels in Adoption award, George and Brenda Ball. I nominated them for this award and had the opportunity to talk with them and meet with them while they were here. They are a wonderful couple who have taken into their home a lot of children who need love and care, and I would like to share parts of an article written about them from the Winston-Salem Journal and hold them up to ourselves and to others for the great work that they are doing. They live in a little town called Tobaccoville, and here is part of the article:

"When George and Brenda Ball hear of a child in trouble, they open their arms. Never mind that, before they married in 1980, he had already raised five children and she had raised three. Never mind that they are great grandparents in their 60s. Their house still rings with the voices of children. Over the past 19 years, they have cared for seven of them, most with special needs. The Balls have already encouraged their adopted children to stay in touch with their biological families and are willing for them to be reunited if the parents are able to care for them."

"With Kelly and Brenda Ball in the house, Brenda Ball decided to retire from her job in reservations with U.S. Airways. George Ball is retired from the Winston-Salem/Forsyth County schools, where he was an assistant supervisor in housekeeping, and from the Air Force. "We made the decision that, with all their needs, it was more important to be here for them," Brenda Ball said. "We just decided that children needed us more than we needed the money."

"And the children kept coming. The Balls asked for children with medical problems because they knew they could handle them. Most of their adopted children had mild to severe medical problems caused by premature births and the effects of alcohol and drugs that their biological mothers used when they were pregnant."

"George Ball, 68, roller blades and plays basketball with the children. His wife stays on the move."

"The Balls have served as surrogate parents to the children in their neighborhood. "I then cook a meal how many will sit there or how many shifts will run," she said.

"She is happy to think that her children are not among the many who have to worry about where their next meal will come from, or who move every month when the rent comes due, or who lie awake at night listening to their parents fight over drugs. There is nothing sadder than a kid wanting a family," she said. "That is why I have ended up having eight.""

"We are so happy to have wonderful people like George and Brenda Ball and all the Angels in Adoption, and I salute them tonight."

FEMA

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

Mr. DEFAZIO. Mr. Speaker, I have before me a speech given by James Lee Witt who was the director of the Federal Emergency Management Agency during the Clinton administration. It is actually testimony given on May 22, 2004. I think it is very relevant to the debate we had here today about what went wrong and how we are going to fix it and how we are going to understand what went wrong.

"Basically, Mr. Witt predicted what happened. Here is some of his testimony."

"Today, the House voted to investigate itself. I doubt that we will get an honest report out of the Republican majority here. We offered an amendment on the floor. We said: if you put FEMA into this bureaucracy, you will degrade its capabilities. On a virtually partisan line vote, I think 10 brave Republicans voted with us, that amendment was rejected. I guess we were a little bit wrong. It is even worse and quicker than we could have thought that FEMA has been destroyed. It is extraordinary."

"I heard many speeches on the floor every night. One gentleman ended tonight with: 'We will never forget 9/11.' We will not forget 9/11! What was the most basic lesson of 9/11 that killed many first responders who could have survived? The fact that they did not have secure interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriff's, police, fire, emergency personnel to purchase interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriff's, police, fire, emergency personnel to purchase interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriff's, police, fire, emergency personnel to purchase interoperable communications."

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Mr. MYRICK. Mr. Speaker, I come to the floor tonight to honor the memory of a great American, my father-in-law, Wilbur Myrick. He saw a lot of change during his 95 years on this Earth.

He lived during the time when indoor plumbing replaced outhouses and water wells, when wooden stoves were replaced by electric stoves, and when food no longer needed to be cooked fresh, but could be refrigerated and cooked in a microwave. He saw the rise of consumer culture that would bring people from a horse and wagon to cars, buses, and then airplanes. And he even saw a man walk on the Moon. He saw in great medical advances like the eradication of smallpox and the treatment of life-threatening diseases with advanced medicine and surgery. He saw communications change from mail to telephones to faxes and e-mail. He lived through World War I, World War II, Korea, Vietnam, the gulf war, and the war on terrorism. He saw America rise to a world superpower, and he saw the Iron Curtain spread across Europe only to see it crumble years later. He saw the tragedy at Pearl Harbor and the tragedy on 9/11. He saw leaders like Churchill and Roosevelt.

In his later years, Wilbur still kept up with current events. He would sit and watch C-SPAN and call me about specific bills. He could quote the bill number and tell me what it was and what it would do, and then he would ask what were we going to do about it.

It taught me a lot about him and how much I loved America. If only we had more Americans like Wilbur Myrick. At a time when most Americans are filled with apathy, he stood out as an example of who we should all strive to be. He was filled with hope, hope for a better tomorrow and for a better America.

Perhaps the best words to be said about him are from his granddaughter, Mia Myrick Alderman:

"My grandfather died last night. "Granddaddy was old, very old. His 96th birthday was just over a month away. He is no longer languishing in a convalescent home, his body giving out more every day. He is free again and with the others, the others who have gone before him. My grandmother, his wife, who called him Myrick.' He lived in a large family, including a sister who died during the 1918 flu epidemic when he was 9 years old. He did not get sick and all by himself he cared for his family and their farm. A strong 9-year-old, my grandfather grew to be a strong man.

"He was not a complicated man. I do not know much about his life before me. I am the oldest of his five grandchildren, seven great-grandchildren, and four great-great-grandchildren, but I know about my granddaddy, who was just 51 when I was born. "My grandfather is just another old man to die in a small North Carolina town called Weldon. One of many who die every day, but to me he was a magical, special person. He was not in any way unique compared to all the other old men in Weldon, but when I went to visit my grandfather as a child he was very unique to me: His North Carolina Virginia accent; his sense of humor; his southern sayings; the way he hugged me and laughed; the way his house and even the earth around his house smelled; the things he knew, secrets I thought only granddaddy knew, like how to thump a watermelon to see if it's ripe. I find myself doing that any time I buy one. I am not sure how it works, but I believe in magic. I loved my grandfather.

"I remember sitting on his lap as a very small child touching the black hair on his arm and I loved him. The last time I saw my grandfather in the hospital, I held his hand and looked at the hair on his arm, now barely there and I knew he would soon be free. "When my grandfather died I lost forever a person and a culture that was magical and unique. Fascinating to me as a child and with me always in my child heart. My grandfather was a very unique and important man to me and I wanted to do this one last thing for him: "As another old man from a little town called Weldon dies, so does my granddaddy, a very important man."

STORMS DO NOT RECOGNIZE STATE BOUNDARIES. WHY DOES FEMA?

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today, first of all, to thank the gentleman from New York (Mr. RANGEL), the gentleman from California (Chairman THOMAS), and the gentleman from Louisiana (Mr. MCCREERY). It is because of their flexibility and sensitivity that the residents of Florida who suffered damage as a result of Hurricane Katrina are one step closer to getting emergency tax relief for those affected by the hurricane.

Today, we provided emergency tax relief for Floridians affected by Hurricane Katrina as well as for those affected in our neighboring States to our west. I am so pleased to have been able to come together with my Florida colleagues, Messrs. Foley, Diaz-Balart, and Shaw to make this possible.

As a Member of Congress that represents South Florida, I can empathize with the victims of Hurricane Katrina because my home, South Florida, has been struck by numerous hurricanes and is threatened by them every year. The scenes of the destruction throughout Louisiana, Mississippi, and Alabama have reminded South Floridians of the devastation Hurricane Andrew, a Category 5 hurricane which struck South Florida 13 years ago.
The pain of those who lost loved ones, their homes, their pets, and who now find themselves in temporary housing, thousands of miles from home, their pain is palpable and every Floridian’s heart goes out to them. However, I rise tonight to call the Nation’s attention to something that I think has been overlooked, understandably, by the Nation, and that is the plight of those residents in Florida who suffered damage because of Hurricane Katrina.

Hurricane Katrina’s first victim was Florida as it struck the Broward and Miami-Dade counties as a Category 1 storm on August 25, leaving hundreds of damaged or destroyed homes in its wake. Many of the farmers and agricultural workers that grow and tend these crops that were damaged will be out of jobs or will lose significant income this year as a result of this storm.

Craig Fugate, Florida’s emergency management chief, told FEMA officials last week that the State expects the loss of over 2,000 farm-related jobs in Miami-Dade County alone. Okra, malanga, sweet potato and cassava crops have been destroyed, he said, resulting in about a $192 million loss.

This year, this is what FEMA will not pay for after Hurricane Katrina struck Florida. This woman here, who has had the roof ripped off her house and most of her possessions water damaged: FEMA’s response to her, You are on your own, good luck.

How about this family here? This woman is in water up to her knees. Her cars are halfway submerged. These are not fancy cars. These are later model, 10-year-old cars. What was FEMA’s response to her family’s request for assistance? The same as it was to the people in New Orleans during the first days following Hurricane Katrina’s aftermath when it hit the Gulf States: You are on your own. Good luck.

My question to FEMA is this: Storms do not know State boundaries, so why does the Federal Government?

FEMA has set an arbitrary and discretionary threshold of 800 homes that have been destroyed or badly damaged as a result of Hurricane Katrina. Let me reiterate this is a purely discretionary number. Title 44 in the Code of Federal Regulations states, “There is no set threshold for recommending individual assistance.”

It is estimated that more than half of the residents who need assistance with storm recovery in Broward and Miami-Dade counties are now on less than $22,000 a year. Yet FEMA denied Federal aid to those who qualified. Most of the mobile home residents in Broward impacted by Katrina are primarily uninsured or underinsured.

My State has been hit by six hurricanes over the past year and a half. This is a constant plague that the residents of Florida deal with, and the denial of aid to those in need is irresponsible and unconscionable.

I introduced legislation last week that calls on FEMA to provide the much-needed assistance to the residents of Florida who are victims of Hurricane Katrina. I plead with my colleagues, as we did today with the Katrina Tax Relief bill, let us make sure we do not turn our backs on the first victims of Hurricane Katrina and give help to those in need, regardless of State line.

VALLE VIDAL PROTECTION ACT OF 2005

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Valle Vidal Protection Act of 2005. The Valle Vidal, the heart of the Sangre de Cristo Mountains in northern New Mexico and is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State. This “living valley” is an incredibly important ecological treasure whose value lies in its wildlife and natural beauty, not in its finite supply of energy.

The Valle Vidal is a special place for New Mexicans and people from around the world who come to relax in its alpine majesty and enjoy outdoor recreation and sporting opportunities. Boy Scouts from all over the country have come to the adjacent Philmont Scout Ranch for decades and each year spend thousands of hours doing conservation work and earning merit badges in the Valle Vidal.

Over the past 2 years, I have followed closely numerous events concerning the Valle Vidal. I have traveled to the Valle Vidal to witness its beauty, spoken with my constituents and others from the State, tracked political developments, and reviewed regulatory or policy initiatives undertaken by this administration. I have also received thousands of e-mails, faxes, and letters expressing the passionate and heartfelt none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from oil and gas development.

The modern history of the Valle Vidal dates back to 1841 when Mexican Governor Manuel Armijo granted 1.7 million acres, the largest single landholding in the western hemisphere, to Guadalupe Miranda of Taos and a French trapper named Carlos Beaubien. This land grant, which included the Valle Vidal, is probably the most famous ever made by Mexico. It later became known as the Maxwell Land Grant after Lucien Bonaparte Maxwell, a Kansan who married Beaubien’s daughter and later became the sole owner of the vast property.

Thirty years ago, the Pennzoil Company purchased nearly 500,000 acres of the Valle Vidal, which the company was protecting. Pennzoil maintained the area as such until 1982 when it donated a 100,000-acre parcel of it to the Federal Government, which was at the time the largest donation in Forest Service history.

Interestingly, it was ever done in the Valle Vidal when Pennzoil owned it. What an ironic travesty it would be for the government to now turn its back on this unique gift and allow the area to be blighted.

I do not want the Valle Vidal to be opened up for drilling. New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens realize that key to meeting the nation’s energy contribution to our energy needs now is not worth despoiling such an important ecological and watershed system. The consequences are just too great.

Moreover, many of my constituents, as affirmed by recent studies, recognize that the protection of special public lands like Valle Vidal is good for local economies; and, in fact, exploration of these places for a few hours of energy will hurt long-term economic growth and community sustainability.

Fundamentally, drilling in the Valle Vidal to create more energy is a false choice. We must consider alternative and more effective energy solutions to our Nation’s energy needs. For example, an increased use of renewable fuels and improved fuel efficiency standards would contribute greatly to solving many energy-related problems. This is to maintain and alternate energy systems competitive with today’s nonrenewable sources of energy so they can be developed for use in the United States and even for sale abroad. We simply cannot hope to drill our way to energy independence.

The fact that this special place is being targeted for oil and gas leasing radically demonstrates what is wrong with this administration’s energy policies.

In this case, the Forest Service’s commitment to a leasing environmental impact statement, before the agency has even prepared a forest plan amendment, demonstrates that legislative action is necessary to ensure that the Valle Vidal’s nonmineral resources and values are given the attention and protection they deserve. Moreover, the Forest Service, even with irrefutable reason to do so, is without the legal authority to permanently protect this special place from mineral development.

New Mexico is home to a strong oil and gas industry which I openly support. I believe there are many places suitable for oil and gas drilling. Valle Vidal, however, is not one of them.

Mr. Speaker, to that end, today I am introducing the Valle Vidal Protection Act to permanently protect the Valle Vidal from mineral
We will be rebuilding the gulf coast States for years to come. We will do so with both public and private money, with cost estimates now running into the hundreds of billions of dollars. Estimates are that at least a half million Americans from the affected areas have permanently lost their jobs as their workplaces are totally destroyed.

Mr. Speaker, we do want to help these people. We must help these people. It makes perfect sense that we ought to employ as many of these folks as possible in the rebuilding effort of the gulf coast. It is for their personal good we do that, and it is for the good of the country.

Last week, the President approved a temporary waiver of Davis-Bacon labor rules for exactly that purpose, to allow many of these individuals to participate in federally funded reconstruction projects as general labor helpers. They cannot do that under Davis-Bacon. We need to follow that up with providing whatever vocational training is necessary to allow displaced workers to gain the skills necessary to fully participate in these reconstruction efforts. Let us do that here.

We need a revival of the Civilian Conservation Corps from the 1930s for this unprecedented national emergency. We should offer every able-bodied displaced person an immediate training wage of $30 an hour or whatever other Federal benefits they may be receiving, and full-time participation in this if they are receiving Federal benefits should be mandatory for all except the elderly or disabled. People who can work and yet will not help themselves should not ask other taxpayers to do it for them. There is good-paying work here for years for every able-bodied American who needs a job if we do the right thing. This has a great potential to build careers. But there is already somebody else with an eye for these construction jobs, Mexican President Vicente Fox. “The reconstruction of that city,” meaning New Orleans, “and of that region is going to require a lot of labor,” Mr. Fox said of New Orleans, Mississippi, and Alabama. “And if there is anything Mexicans are good at, it is construction.” That is a quote from the New York Times, September 5.

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Mr. Speaker, I urge my colleagues both in the New Mexico delegation as well as in the entire Congress to join me in passing this legislation and protecting the Valle Vidal permanently. This ecosystem is too valuable to the people of New Mexico and the nation, and the energy gains too miniscule to justify the potential damage to this pristine area. We must protect it.

VICENTE FOX, HURRICANE LOOTER

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

Mr. NORWOOD. Mr. Speaker, it seems tonight is the night for many of us to talk about the hurricane and the disaster that hit our nation. I thought it interesting to hear earlier a couple of my Democratic colleagues berating the majority leader about hurry up with money, hurry up and get it done.

We want to help our friends on the Gulf Coast, but it is also important that we do it sensibly and we pay some attention to the taxpayers here. Just yesterday, in Atlanta, one of the FEMA cards for $2,000 was used to buy a handbag. I guess you need a handbag. That is ludicrous. That is not mean much to me, except it was an $800 handbag. That is a Louis Vuitton, which does not mean much to me, except it was an $800 handbag. I guess you need a handbag. FEMA cards for $2,000 was used to buy a handbag. That is ludicrous.

We should not allow our national tragedy to become Mexico’s gain. The time for talk should be over. The time for pleas for the administration to simply enforce the law should be over. Every police and sheriff’s department in this Nation should begin vigorously enforcing immigration law while in the course of their routine duties. For every illegal worker not employed to rebuild the gulf coast, there is a ready job for the hundreds of thousands of legal American residents who just lost their jobs in this tragedy.

The CLEAR Act that we just reintroduced has an excellent chance of passing this session; and, if it does, the Federal Government will be responsible for paying 100 percent of these local law enforcement costs for immigration law enforcement efforts.

Hardship has a way of bringing families together. If there is anything positive that can come from such an incomprehensible disaster as Hurricane Katrina, it could likely be in forcing us to come back together to help defend each other, instead of letting potential taxpayer-funded jobs for storm victims to be looted by illegal immigrant labor cheered on by Mexican President Vicente Fox.

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

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the adoption of sections 302 and 311 of the Congressional Budget Act. This status report is current through September 2, 2005.

The term “current level” refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution’s aggregate levels.

The second table compares, by authorizing committee, the current levels of budget authority and outlays and revenues for discretionary action with the “section 302(a)” allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. “Discretionary action” refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of “section 302(b)” suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.
Enactment of measures providing new outlays for FY 2005 (if not already included in the current level estimate) would cause FY 2005 outlays to further exceed the appropriate level set by H. Con. Res. 95.

**REVENUES**

Enactment of measures that would reduce revenue for FY 2005 in excess of $447,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $76,686,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

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**DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005**

(Fiscal years, in millions of dollars)

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<td>–19</td>
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</table>
that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2005:

- The Surface Transportation Extension Act of 2005, Part IV (Public Law 109–37);
- An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);
- The Surface Transportation Extension Act of 2005, Part III (Public Law 109–35);
- The Peace Corps Extension Act of 2005 (Public Law 109–59);
- The Small Business Jobs Act of 2005 (Public Law 109–8);
- The Clean Air Act of 2005 (Public Law 109–51);

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN, Director

Enclosure.
for each fiscal year based on laws enacted or
awaiting the President’s signature.

The first table in the report compares the current
levels of total budget authority, outlays, and
revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolu-
tion’s aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing
committees, the current levels of budget authority and outlays for discretionary action with the “section 302(a)” allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. “Discretionary action” refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The third table compares the current levels of discretion ary appropriations for fiscal year 2006 with the “section 302(b)” suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(l) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the section 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

**DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005**

<table>
<thead>
<tr>
<th>Fiscal year 2006</th>
<th>Fiscal years 2006–2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appropriate Level</strong></td>
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<td>Budget Authority</td>
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<td>Outlays</td>
<td>2,161,420</td>
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<tr>
<td>Revenues</td>
<td>1,589,892</td>
</tr>
</tbody>
</table>

| **Current Level** | | |
| Budget Authority | 1,354,534 | (1) |
| Outlays | 1,665,799 | 9,176,218 |
| Revenues | 1,057,590 | 9,176,218 |

**Notes:**
- Outlay limitations: includes estimates of outlays for FY 2006 through FY 2010.
- Budget Authority: includes outlays for FY 2006 and projected outlays for FY 2007 through FY 2010.

**REVENUES**

Enactment of measures that would reduce revenue for FY 2006 in excess of $495,621,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

**OUTLAYS**

Enactment of measures providing new outlays for FY 2006 in excess of $96,252,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

**APPENDIX A**

**REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued**

(On-budget amounts, in millions of dollars)

<table>
<thead>
<tr>
<th>Fiscal year 2006</th>
<th>Fiscal years 2006–2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>17,308</td>
</tr>
</tbody>
</table>

**NOTES:**
- Net applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

**BUDGET AUTHORITY**

Enactment of measures providing new budget authority for FY 2006 in excess of $789,850,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

**APPENDIX B**

**REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued**

(On-budget amounts, in millions of dollars)
### STATEMENT OF FY 2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(As amended)

**Appropriations Subcommittee**

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Agriculture, Rural Develop.</td>
<td>16,832</td>
<td>417</td>
<td>18,691</td>
<td>4,325</td>
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<tr>
<td>Defense</td>
<td>363,440</td>
<td>27</td>
<td>377,630</td>
<td>51,398</td>
</tr>
<tr>
<td>Energy &amp; Water Development</td>
<td>39,746</td>
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<tr>
<td>Foreign Operations</td>
<td>20,270</td>
<td>19,166</td>
<td>20,466</td>
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<td>Interior Environment</td>
<td>26,107</td>
<td>0</td>
<td>26,107</td>
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<tr>
<td>Labor, HHS &amp; Education</td>
<td>412,514</td>
<td>175</td>
<td>413,689</td>
<td>192</td>
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<tr>
<td>Legislative Branch</td>
<td>85,158</td>
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<td>85,158</td>
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<tr>
<td>Military Quality of Life-Veterans Affairs</td>
<td>5,779</td>
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<td>5,779</td>
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<tr>
<td>Science-Justice-Congress</td>
<td>53,453</td>
<td>0</td>
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<tr>
<td>Transportation-Treasury-HUD-Judiciary-DC</td>
<td>60,935</td>
<td>148</td>
<td>61,083</td>
<td>192</td>
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<tr>
<td>Unassigned</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total (Section 302(a) Allocation)</strong></td>
<td>843,020</td>
<td>175</td>
<td>843,195</td>
<td>192</td>
</tr>
</tbody>
</table>

**CONGRESSIONAL BUDGET OFFICE, U.S. CONGRESS, Washington, DC, Sept. 15, 2005.**

Hon. Jim Nussle, Chairman, Committee on the Budget, House of Representatives, Washington, DC.

Dear Mr. Chairman: The enclosed report shows the effects of Congressional action on the current fiscal year 2006 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2006:

- An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);
- The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53);
- The Legislative Branch Appropriations Act, 2006 (Public Law 109–55);
- The Energy Policy Act of 2005 (Public Law 109–58);
- The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59); and

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

Douglas Holtz-Eakin, Director

Enclosure.

**DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006 COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION**

**SUBCOMMITTEE 302(B)**

(Fiscal years, in millions of dollars)

<table>
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<th></th>
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<tr>
<td>Agriculture, Rural Develop.</td>
<td>16,832</td>
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<td>18,691</td>
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<tr>
<td>Defense</td>
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<td>27</td>
<td>377,630</td>
<td>51,398</td>
</tr>
<tr>
<td>Energy &amp; Water Development</td>
<td>39,746</td>
<td>0</td>
<td>40,178</td>
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<tr>
<td>Foreign Operations</td>
<td>20,270</td>
<td>19,166</td>
<td>20,466</td>
<td>9,990</td>
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<tr>
<td>Interior Environment</td>
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<td>26,107</td>
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<td>Labor, HHS &amp; Education</td>
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<td>175</td>
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<td>192</td>
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**STATEMENT OF FY 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005**

(In millions of dollars)

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(In millions of dollars)

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IRAN

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

Mr. FRANKS of Arizona. Mr. Speaker, as the International Atomic Energy Agency meets on Monday to determine whether to refer Iran to the Security Council, the United States must clearly and firmly state its position on Iran.

Iran’s clandestine nuclear weapons program has been in the works for the past two decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran’s nuclear activities must be constantly monitored by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its treaty obligations.

Mr. Speaker, Iran’s actions over the past 18 years are clearly directed toward building a nuclear weapons capability. Yet Iran calls upon the western countries to trust Iranian intentions. But how could we possibly do that, Mr. Speaker? Iran claims its nuclear program is intended only for peaceful purposes, but that claim is simply not credible.

Iran has the world’s second largest proven natural gas reserves and huge crude oil reserves as well. It is neither cost effective nor expedient to develop nuclear capabilities for Iran’s energy needs.

The world must not be so naive in this grave situation. We must look at Iran’s past and present actions as the most reliable indication of its true intent.

For years, since the early 1990s, Iran has persistently stated its need for nuclear weapon development. Its newly elected president pledged that he will continue to support Hezbollah’s struggle against “the enemies of Islam.” He has even vowed to reinforce Hezbollah; and he announced just today, Mr. Speaker, that his country is prepared to provide nuclear technology to other Islamic nations.

Mr. Speaker, the spiritual adviser to and supporter of the president, Ayatollah Misbah Yazdi, issued a call for the public to join the swelling ranks of Iran’s homegrown suicide bombers, stating that “suicide operations are the peak of the nation and the height of its bravery.” And President Ahmadinejad himself has equated martyrdom with art and made known his ambition to spread his government’s Islamic ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is simply unthinkable, and we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Iran has experimented with polonium. Polonium is a radioactive isotope with only one principal use: to trigger a nuclear explosion. Iran has also experimented with separating hexafluoride gas for enrichment. Iran has been in the works for the past two decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran’s nuclear activities are treaty-bound to be constantly safeguarded by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its obligations under the Nuclear Non-proliferation Treaty.

Further, it has now been reported that Iran has secretly imported 18 tons of uranium yellowcake from China and constructed a conversion facility to produce uranium hexafluoride gas for enrichment. Iran has also experimented with separating plutonium, and are presently building a heavy water reactor.

Regardless of what the International Atomic Energy Agency decides, United Nations policy should be clear. It should be articulated, and it should be open support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and to the world, as it classically has done. What is required, Mr. Speaker, as Assad Homayoun has articulated, is “legitimization through recognition” and the people of Iran will rightfully have the resolve and recourse to establish a government by and for the people. This is a day we all should look forward to with gratitude to the good people of Iran.

Mr. Speaker, as the International Atomic Energy Agency meets to determine in the next few weeks whether to refer Iran to the Security Council, the United States must clearly—and firmly—state its position on Iran.

Iran’s clandestine nuclear weapons program has been in the works for the past two decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran’s nuclear activities are treaty-bound to be constantly safeguarded by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its obligations under the Nuclear Non-proliferation Treaty.

Iran’s actions over the past 18 years are clearly directed toward building a nuclear weapons capability. The Iranians have already set on a course that it has never wavered from, and it is seeking only to buy time. Mr. Speaker, the International Atomic Energy Agency should refer Iran to the Security Council.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. The people of Iran should know that they have at least this Nation’s unequivocal support to take the stand that they have yearned for so many years. This support should be stated openly, clearly, and repeatedly.
that Iran has manufactured and stockpiled blister, blood, and choking chemical agents, and weaponized some of these agents into artillery shells, mortars, rockets and aerial bombs in contravention to the Chemical Weapons Convention.

In July, Iran announced that it succeeded in developing solid fuel technology for ballistic missiles, which can be launched with almost no warning, far more quickly and reliably and with greater accuracy than those with liquid fuel.

In August, Iran resumed converting uranium to gaseous state. This is a step that precedes enrichment which then can produce nuclear material usable both as fuel in nuclear reactors and as material for an atomic bomb.

Mr. Speaker, Iran calls upon the Western countries to trust Iranian intentions, but how could we possibly do that?

Iran’s claim is that its nuclear program is intended for peaceful purposes only—to produce electricity. That claim is simply not credible. Iran has the world’s second largest proven reserves of natural gas, along with huge reserves of liquid hydrocarbons. It is neither cost effective nor expedient to develop nuclear capabilities for Iran’s energy needs.

The world must not be so naive in this grave situation—we must look at Iran’s past and present actions. They are the most reliable indicators of future intent.

For years—since the early 1990’s, Iran has persistently maintained the need for nuclear weapon development. Ali Akbar Hashemi-Rafsanjani, who some hail as a “moderate,” has repeatedly stated that nuclear development was a “necessity.” Rafsanjani has also stated that “If a day comes when the world of Islam is duly equipped with the arms Israel has in possession, the strategy of colonialism would face a stalemate because application of an atomic bomb would not leave any thing in Israel but the same thing would just produce damages in the Muslim world.” What frightening words.

Iran is in violation of numerous treaties—and continues its patterns of deceit. Iran is trying to create a Euro dominated exchange of oil, and has a strategic economic relationship with China.

Iran suppresses its people with the harshest and most brutal kind of treatment. Just last Tuesday, September 6th, prosecutors’ offices in provincial centers announced that “Women who violate Iran’s strict Islamic dress code will be flogged immediately”—they will appear before an Islamic judge immediately after arrest to receive a sentence, which is usually 100 lashes in public.

Its newly elected President Mahmoud Ahmadinejad has pledged that he will continue to support Hezbollah’s struggle against the “enemies of Islam.” He has even more recently vowed to reinforce Hezbollah.

And, Mr. Speaker, the spiritual advisor to and supporter of President Ahmadinejad, Ayatollah Misbah Yazdi, has issued a call in an Iranian newspaper for the public to join the swelling ranks of Iran’s homegrown suicide bombers, stating that “Suicide operations are the peak of the nation, and the height of its bravery.” And President Ahmadinejad himself has stated that “Is there art that is more beautiful, more eternal than the art of martyrdom?” The Iranian President has said that his ambition was to spread his government’s Islamist ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is unthinkable. And we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Mr. Speaker, Iran is attempting to ally international concerns, pleading that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when put in the context of 18 years of unremitting deception, and the IAEA’s ineffectiveness. Iran has violated its obligations and forfeited its credibility. We must not allow this defiant threat to the world to pass by unnoticed. The IAEA should refer Iran to the Security Council. The world cannot allow the current ruling regime of Iran to obtain and develop indigenous nuclear capability.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. It seems all too possible that Iran wishes to develop nuclear capabilities for an Iranian popular revolt as much, and possibly more so, than to counter an Israeli nuclear “threat”. The people of Iran should know that they have this nation’s support—unequivocal support to take the stand that they have needed for, for so many years. Their support should be stated, openly, clearly, and repeatedly.

Regardless of what the IAEA determines—Security Council or not, United States’ policy should be clear, articulated support for the people of Iran to establish a restored Iran. Iran that contributes to its people and the world, as it classically has done.

What is required, Mr. Speaker, as Dr. Assad Homayoun the President of the Azadegan Foundation has articulated, is “legitimization through recognition” and the people of Iran will rightfully have the resolve and recourse to establish a government—by the people and for the people. That is a day we should all look forward to, with gratitude to the good people of Iran.

HATE CRIMES

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

Mr. GOHMERT. Mr. Speaker, yesterday, this body passed the gentleman from Michigan’s (Mr. CONYERS) hate crime bill with very little notice. Some observers wonder why, and, well, they will just take it out in conference. However, there is a decent chance that will not happen.

It is true that people who act out of hate can and do cause devastation and severe hurt. There is no question about that. Those who cause such harm deserve and should be punished severely. As a former judge, I have sentenced and severely punished people acting out of hate, including signing legal orders that the perpetrators should be put to death by hanging.

Ironically, the cases often cited as a basis for creating hate crime laws usually include the horrible dragging death of the African American in Texas or the poor young man in Texas who was killed for being a homosexual. The main perpetrators in those cases got the death penalty that I believe they deserved. Those were cases in which no hate crime law would have made any difference whatsoever; yet they are constantly cited as a reason for it.

In the dragging death case, I personally might support punishment by allowing the victim’s family to choose the rope or chain and the terrain over which to drag the heartless defendant to inflict the death penalty. But the hate crime laws do not offer a more painful form of capital punishment. The one yesterday certainly does not, so it would have had absolutely no effect on the very cases its proponents often herald as poster examples.

What was done yesterday created a vague, ambiguous Federal offense for cases involving random, senseless acts of violence that are far more preferable in our society than such acts with a motive. Never mind that sociopaths or antisocial personalities who commit random, senseless acts of violence are unlikely to be able to get embalmed. They will not get punished under this new law passed out of this House yesterday.

This new hate crimes bill that passed yesterday, this body said to the world that “sexual orientation” and not just “gender,” which should be respected, but “gender identity,” whatever that is, is in the same category as those unfortunate individuals who have suffered because of their sex or skin or their religious preference.

Have the Members ever stopped to think about the words “sexual orientation”? Regardless of what definition they may give those words, when we pass hate crimes laws and say those who are sexually oriented towards animals, those who are sexually oriented towards corpses, those who are sexually oriented towards children, that is abominable. But someday those words could be cited by some appellate court as having their very plain meaning, not just the meaning that is socially or culturally accepted at the time they were passed.

There is another aspect that is not discussed or debated but is coming some day through this new law. It is true that the law addresses crimes of violence or attempted crimes of violence. However, the words “sexual orientation” and “gender” are often cited in hate crimes, and some day someone is going to say the words mean exactly what they say. In the case of “sexual orientation,” someday someone can look at those words and say that they mean they mean the very meaning they state: That includes those who are sexually oriented towards animals, those who are sexually oriented towards corpses, those who are sexually oriented towards children. That is abominable. But someday those words could be cited by some appellate court as having their very plain meaning, not just the meaning that is socially or culturally accepted at the time they were passed.

Do the Members understand what that means? Let me ask my colleagues if a Christian, Jewish, or Muslim religious leader teaches and preaches that...
homosexuality is wrong or is a sin and someone in the leader’s flock commits a crime against a person who chooses to practice such acts, has the religious leader counseled or induced such an act through his or her teaching? Someday someone will say so, and ministers will be called preachers. They will be said to have incited such conduct through hateful teaching. As a matter of fact, some people already blame religious leaders for acts of violence in such cases, and I do not defend any minister who encourages such conduct. That should be punished.

1845

They are wrong. But having harshly sentenced people who have committed crimes of hate, and also those who have committed crimes at random, cold-blooded, heartless thugs, I can tell my colleagues that the victims and their loved ones in all of these cases are all traumatized and distraught and deserving of sympathy and compassion.

So what is the message our great hate crime legislation sends? Apparently, through hate crime legislation, we are simply saying to the world, if you want to hurt me, lady, please do not hate me. Instead, make it a random, cold-blooded, senseless act of violence. That is what we prefer in this country, according to this bill.

VICeHTN OF SEXUAL PREDATORS

The SPEAKER pro tempore (Mr. SORRELL). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Texas (Mr. Poe) is recognized for 60 minutes as the designee of the majority leader.

Mr. Poe. Mr. Speaker, this past week, we have been reaping the destruction of a hurricane that brought the wind and rain and flooding of a natural disaster. But we have been for years reaping the greater destruction of a hurricane that continues to bring the wind, rain, and floods of the effects of child predators on America. We are talking about the murder of America’s children by those child predators who live among us.

The children I am referring to tonight have all been kidnapped, murdered, some sexually assaulted, and some are still missing. It is because of them, Mr. Speaker, we passed the Child Safety Act yesterday.

There are more, Mr. Speaker. Christopher Meyer, 10, Illinois; Mary Mount, 10, Connecticut; Jeannie Singleton, 11, Virginia; Jackson Carr, 6, Texas; Troy Ward, 6, Utah; Brittanee Drexel, 15, New York; Jazzlyn Bell, 10, Florida; Christa Pichon, 15, Michigan; Devon Burdick, 16, Wisconsin; Brittany Jackson, 5, months, Alabama; Tommy Gibson, 2, Oregon; Rosy Tapia, 6, Utah; Rosie Gordon, 10, Virginia; Richard Short, 7, New York; Timothy Wiltsey, 5, New Jersey; Summer Rogers, 5, Oregon; Deborah Palmer, 8, Washington; Carlie Brucia, 11, Florida; February 1, 2004.

Mr. Speaker, Carlie, a little girl from Florida of the age of 11, disappeared February 1, 2004. Her grandmother described her as blond and bubbly, affecionate, a great hugger. When she was in New York, she loved to go to the movies with her dad, go shopping, and go out for ice cream. Her favorite ice cream was mint chocolate chip. Her grandmother said, I always had that in the house when she visited. When she was at our house, she would shoot baskets in the driveway with her Aunt Ginny, play softball in the back yard with her Aunt Catelyn and the rest of the family. She liked music. She was especially fond of Jennifer Lopez and knew all the words of all the songs that Jennifer Lopez sang. Carlie liked to help her dad at home, especially when the family was over for dinner. She pitched right in and helped with the serving and cleaning up. Here grandmother says, I can just picture her now, loading the dishwasher. She was a very good student, voted most popular, and a math whiz at McIntosh Middle School.

Carlie disappeared February 1, 2004, while walking home from a friend’s slumber party in Sarasota, Florida. A surveillance camera behind a car wash taped Carlie’s abduction. The sixth grader may have walked through the car wash’s parking lot as a shortcut to the house when she visited. Carlie’s remains were found 5 days later, just a few miles from where the car wash was. The defendant: Joseph Smith. The
Sarasota Police Department questioned Joseph Smith after they received tips from anonymous sources. He had been in their custody the day after Carlie was abducted on an unrelated parole violation. A woman who said she lived with Smith was one of the tipsters who contacted the police.

Of course, he refused to admit any involvement with the disappearance until later when the investigators questioned him more and he told them where he had hidden her body. On February 6, 2004, it was announced that Carlie’s body had been found. Mr. Speaker, she had been brutally murdered and thrown in a church parking lot just miles from her home.

Joseph Smith was a 37-year-old car mechanic, father of three who had been arrested at least 13 times in Florida since 1993. He had been previously charged with kidnapping and false imprisonment, and he was held in custody as the main suspect of the murder of this child. On February 20, Smith was indicted on a first-degree murder charge and separate charges of kidnapping, capital sexual battery, and others were filed by Florida’s attorney general’s office. He had previous convictions for battery, including a knife, possession of heroin, possession of drugs without prescriptions, possession of cocaine, and attempts to obtain controlled substances by fraud.

Mr. Speaker, thanks to the gentlewoman from Florida (Ms. HARRIS), part of the Child Safety Act includes legislation that is a result of Carlie’s murder. Joseph Smith, on the other hand, is scheduled to stand trial on the kidnapping and murder charges of Carlie Brucia on November 7. Prosecutors are seeking, and rightfully so, the death penalty. Until then, he will be in the county jail where he has been housed since his arrest.

Mr. Speaker, I can continue with more real kids in America. Adam Finch, 4, Florida; Harley Hall, 6 months, South Carolina; James Hargan, 4, Mississippi; Tahisha Clay, 6, California; Elizabeth Byrd, 8, Arizona; Maile Gilbert, 6, Hawaii; Tracy Neef, 7, Colorado; Tara Huffman, 5, Illinois; Patricia Miles, 6, Arkansas; Alonso Daniels, 4, Utah; Brittany Hendrickson, 7, Ohio; Danny Davis, 4, Utah; Amy Yates, 8, Georgia; Dylan Groene, 9, Idaho; May 16, 2005.

Mr. Speaker, to my left is a photo of Dylan at the age of 9 and his sister, Shasta, at the age of 8. This is his story: Dylan liked to be outdoors. He liked camping, fishing, and catching crawdads. He also liked to play video games from his foot station. He loved playing with his sister.

Dylan and his sister, Shasta, were declared missing on May 16, 2005 after police found the beaten and bound bodies of their mother, their other brother, and their maternal grandmother. Authorities believe that Joseph Edward Duncan, III, a registered sex offender, abducted Shasta and Dylan from their home and held them for 7 weeks at a primitive camp site in the vast forests of Montana. According to Shasta, Duncan repeatedly molested the children and eventually he killed Dylan. Shasta was discovered on July 2 at a local restaurant with Duncan. Two days later, human remains were discovered at that primitive, remote, western Montana camp site and on July 10, the remains were identified as Dylan Groene, this person, 9 years of age.

Investigators have not really told us exactly what they believe happened to Dylan or how long they believe the boy was alive after the children’s mother, 13-year-old brother and her boyfriend were beaten to death, but they have given us some information. Sheriff Rocky Watson has said that he believes the motives for the killings, of course, was to acquire these two children and their mother. Mr. Watson always said authorities believe the family was chosen at random, but the attack was carefully planned.

The police have interviewed Shasta a couple of times, and the details are age-responsive, but in being revealed, but she has provided certain information that is astonishing. Dylan, when he was 9, like the others that I have mentioned, was a real person. He wanted to live like all kids, but he was also living his 8th birthday, because of this criminal, this individual by the name of Joseph Duncan, III.

Joseph Duncan, by the time he was 16, he had committed 13 sexual assaults. In 1980, Duncan was arrested for breaking into a neighbor’s house, stealing guns and then accosting a 14-year-old and sexually assaulting him at gunpoint.

He was convicted of the rape and sentenced to a maximum of 20 years in the penitentiary. However, in lieu of prison, somone sent Duncan to the Sex Offender Treatment Center at Western State Hospital. An evaluation at Western State Mental Hospital found that Duncan, who was then 17, met the definition of a sexual psychopath, so Western State Hospital had given up on Duncan.

Then, at 19, he announced that he wanted to leave treatment and serve the rest of his time in the penitentiary. So he received 14 more years for the rape and 3 more for parole violations. When he got out of the penitentiary, he moved to Fargo, North Dakota.

Then, after leaving the penitentiary, he decided to create a blog on the Internet. In that blog, he claimed to be the author of two children as sex objects. Watson also believes that he is the individual who is a real person. He is 9 years of age, Dylan Groene, III.

When he got her into the house, he tried to kiss her, but she attempted to escape. So he strangled Megan with a belt. He says he slammed her into the dresser and strangled her. He sexually assaulted her, and then hung her body into a patch of high weeds.

In the hours following Megan’s disappearance, a massive search effort...
took place all over the quiet Hamilton township of New Jersey. The red and blue lights of police cars filled the once quiet suburban neighborhoods.

Police were instantly drawn to Timmendenqua's home after learning that he and his roommates were both sex offenders. They immediately questioned him, and only 1 day later, he confessed and led the police to Megan's body.

His history? Well, he had a criminal history of assault of children. In 1979, Timmendenqua pled guilty to the attempted and aggravated sexual assault of a 5-year-old girl in New Jersey. He was given a suspended sentence. Mr. Speaker, that means, in simple terms, he did not go to jail.

But somebody recommended that he get counseling for his sexual assaults. He did spend 9 months in the Middlesex Adult Correction Center.

Then, in 1981, he pled guilty in regard to the sexual assault of a 7-year-old girl. He was sentenced for years.

In May of 1997, he was sentenced to death for the murder of Nichole Kanka. He remains on death row in New Jersey State Prison in Trenton. Hopefully, justice will be done, and he will see his maker soon.

In honor of Megan's memory, a section of the Child Safety Act creates the Megan Nichole Kanka and Alexandra Nichole Zapp Community Notification Program. This program requires appropriate officials to notify the communities within 5 days of a change of a registered sex offender's information.

Megan’s parents had no idea that a sex offender was living across the street from them in their quiet suburban neighborhood. Hopefully, the Child Safety Act will rectify this in the future, and parents will know who lives among them.

Kelly Albright was 12 when she disappeared in Kansas; James Francis Connelly, 15, from Illinois; Sandy Hoyt, 11, from Minnesota, October 27, 1989.

On the night of October 27, 1989, Jacob and his brother, Trevor, and a friend rode their bikes to a local convenience store to pick up a movie and a snack. On the way home, a man wearing a red and gray jacket, carrying a gun, stopped the boys on a dark stretch of road less than a mile from Jacob's home. The gunman, wielding a pistol, told the boys to throw their bikes into a nearby ditch and lay face down on the ground. He then asked each of the boys their age. After the boys responded, he instructed Jacob's brother and friend to run into the woods and not look back or he would shoot them both. As they ran, he glanced back to see the gunman grab Jacob's arm. When they reached the wooded area and turned around again, the gunman and Jacob had disappeared into the night.

Local police were called to the scene of the abduction minutes later, and a search ensued that involved hundreds of volunteers, local law enforcement, the FBI and others. To date, law enforcement and Jacob's family still do not know what happened to Jacob or his abductor or where they are now.

Sixteen years later, and the Wetterlings refuse to change their phone number or move from their four-bedroom home in hopes that Jacob would come back some day. He would be 27 this year.

Mr. Speaker, in 1994, the Jacob Wetterling Crimes Against Children Sexually Violent Offender Registration Act was passed as a part of the Federal Violence Control and Law Enforcement Act of 1994 by Congress. This requires States to implement a sex offender and crimes against children registry.

Part of the Children's Safety Act that was passed yesterday amends the Jacob Wetterling Act that was passed in response to his kidnapping. It improves the sex offender registration and notification program on many levels. It seeks to ensure that sex offenders register and keep current where they reside, work and where they go to school. It creates a national sex offender database and requires that it be on-line and easily accessible to everyone in this country.

The bill also strengthens community notification requirements and creates harsher punishments for sex offenders. I would like to continue, Mr. Speaker.

Jonathan Sellars, 9, California; Charlie Stevens, 12, Georgia; Christina Benjamin, 13, Texas; Brittany Billette, 1, Michigan; James Bryan King, 14, Texas; John Pius, 13, New York; Lacy Chandler, 16, California; Amy Rachelle Schulz, 10, from California; Lazerio Figueroa, 7, Florida; Mickey David Niles, 7, Texas; Christie Rogers, 14, Florida; Naja Smallwood, 5, Pennsylvania; Sarah Cherry, 12, Maine; Stephen Wicks, 10, Colorado; and Jetsetta Gage, 10, Iowa, March 25, 2005.

Mr. Speaker, this is Jetsetta Gage. She was kidnapped and sexually assaulted and murdered this year, in 2005, in Iowa, Cedar Rapids. According to news reports, Jetsetta Gage's goal each day was to give 20 compliments to people. She wanted to give them to her teacher, Susan, who was the school bus driver who took her to school. She gave them to her grandmother and anybody that came into her view.

Her mother said that she was friendly, and she liked to say hi to everyone. She would come up to you and say, you look nice today. She would tell everyone that, even strangers. The adults who knew Jetsetta described her as bubbly, a happy girl. She would wear mismatched outfits. She loved the outdoors and she loved her mother and her grandmother.

Trina Gage was attending classes at Hamilton College the night her daughter was taken. Roger Bentley, a family friend, worked as a police officer on the evening of March 25 of this year supposedly to fix the car. While he was driving, he kidnapped Jetsetta.

Jetsetta’s mother, Trena Gage, had met Roger Bentley through his brother James Bentley whom she had dated several years ago. Court documents suggest that Jetsetta was sexually assaulted and raped over a 2-year period by this James Bentley. James Bentley, well, he had already been arrested and charged with sexually assaulting Jetsetta in two counties. He is scheduled for trial on October 3 in Linn County. The second trial on the same charges follows in November in Benton County.

His brother Roger was charged with first degree murder and first degree kidnapping in the death of Jetsetta. His trial is scheduled for November 28 of this year. Hopefully, justice will be served in both of these cases.


Mr. Speaker, this is Polly Klass, 12. She, like the others, was kidnapped. She was born in Japan, but was raised in California. When she grew up she liked Mel Gibson as her favorite actor. She also liked a football player, a guy by the name of Joe Montana. She liked to read Archie comics and Judy Blume books. She liked popcorn and hot fudge sundae. She had two pet hamsters, a rat, and a guinea pig. She enjoyed performing in school plays and had dreams of becoming an actress. She loved music and she was
active in the school band, but on the night of October 1, 1999, Polly Klass was hosting her first sleepover party with two of her friends.

When Polly went to retrieve pillows from another room, she was confronted by a man wielding a razor blade and a knife. The man was Richard Allen Davis, threatened to kill all the girls if they did not do as he told them to. Davis made his way into the bedroom of the 12-year-old Polly Klass and he tied her up with her two sleepover companions and then he abducted her.

When Polly’s body was found later, she had been brutally sexually assaulted and strangled to death. Davis is a career criminal whose life has a twisted tangle of much violence and criminal activity. A few days after Polly’s abduction, Davis confessed to the murder and led the police to her body. After a trial, he was found guilty of first degree murder. He was sentenced to death, as he should have been.

Perhaps the most telling part of Polly’s story is this: according to Polly’s father, she had always had a fear of the dark. She had trouble sleeping unless there was a light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

It is unfortunate, Mr. Speaker, in our culture too many kids go to sleep afraid of the boogey man, like Richard Allen Davis. It was something that she had discussed often with her parents, and her father Mark recalls with bitter irony how he had assured his daughter that everything would be all right and that he would be there to protect her.

Mr. Speaker, there are more children, there are many more in this country. Tonight I have just listed a few, a few over 100.

Felicia Elliot was 8 in Arkansas. Mary Caussin, 6, in Michigan. Jason Verdov, 10, in Texas. Michelle Trimble, 9, in Tennessee. Christi Meeks, 5, in Florida. Verdow, 9, in Florida. Marcia Trimble, 10, in Tennessee. Michael Cameron Rainey, 14, in Texas. Adam Benjamin Clark, 6, in Arkansas. Polly’s father, she had always had a fear of the dark. She had trouble sleeping unless there was a light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

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Felicia Elliot was 8 in Arkansas. Mary Caussin, 6, in Michigan. Jason Verdov, 10, in Texas. Michelle Trimble, 9, in Tennessee. Christi Meeks, 5, in Florida. Verdow, 9, in Florida. Marcia Trimble, 10, in Tennessee. Michael Cameron Rainey, 14, in Texas. Adam Benjamin Clark, 6, in Arkansas. Polly’s father, she had always had a fear of the dark. She had trouble sleeping unless there was a light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

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Federal offense. It is a Federal offense where they can go to a Federal penitentiary for up to 20 years for failure to notify law enforcement, the community, the media about their new residence.

This Child Safety Act will also enhance punishments for sex offenders who reoffend. It will require sex offenders to register and notify people in the newer neighborhoods where they move. It will require verification monthly. It will require or allow citizens Internet access to the child predators that live among them. It will create Web sites to search for sex offenders in communities, and it will require and expand sex offenses covered by registration and notification to include the military and crimes that occurred against American kids overseas.

These are some of the many, many requirements of this new law. Mr. Speaker. It will expand, in addition, law enforcement's use of DNA to solve crimes committed by these predators. This comprehensive legislation hopefully, Mr. Speaker, will send a message to those who live among us that wish to commit crimes against our children. Portions of this law, Mr. Speaker, are named after children. I hope we get to the point that we quit naming laws after murdered children. Hopefully, that day will come.

Mr. Speaker, I have four kids, three girls and a boy. I have three grandkids, one born last week. And as a parent I am very, very protective of my children. All parents are. Children are, as the Good Book says, a blessing to parents. And the worst thing that any parent can comprehend and the thing that we dread the most is the loss of a child at any age.

To lose a child under any circumstance is tragedy. To have a child kidnapped and murdered in their youth is something that parents cannot comprehend, but it happens in America.

Mr. Speaker, in this Capitol, we have throughout these great hallways paintings and photographs of important people, people in our history that have done things for our country. They are of all persuasions, all parties, all races and both sexes. But I say, Mr. Speaker, that if we had on these same walls the photographs of the murdered children in our country, that this Capitol, this enormous building does not have the room for all of their photographs. We should remember who they are, their names and how they lived.

We have done a lot in this country, organizations such as the National Children’s Alliance here in Washington, D.C., the umbrella organization that takes care of sexually exploited children throughout the offense and after the offense is over with and helps them through.

One of those organizations is Children’s Assessment center in Houston, Texas, one of the best advocate centers for children anywhere in the country. There are many of those, and it is unfortunate we have to have those to protect our children and take care of their needs after they are exploited.

Mr. Speaker, these children have something in common, the last person on earth that these kids saw was not their mother, not their father, not their friends, not their grandparents. The last person they saw on earth was the killer. They stole their life in their youth. We hope, Mr. Speaker, that when we pass from this life to the next we are surrounded by the people who care about us, the most important people in our life, but not so with these children. They were surrounded by the person, the predator, that preyed on them and stole their life and their existence.

Mr. Speaker, we have been talking a lot about resources the last few weeks, this country. We need to remember one important factor. The greatest resource in this country is our children. They are the greatest natural resource that we have, and we should be as concerned about what happens to them and what predators do to them as we are about other resources and the disappearance of them.

The darkest of history will report the blackness in the souls of those who have committed these crimes against our children. Those barbarians that kidnap, sexually assault and pillage and murder our children will be held personally accountable for their evil choices.

It has been said in the scriptures that for whoever causes harm to a little child, it would have been better for him with a heavy millstone hung around his neck he would have been cast into the sea. Well, we do not in this country, the hurricane, but we need to remember one important factor. The greatest resource in this country is our children. They are the greatest natural resource that we have, and we should be as concerned about what happens to them and what predators do to them as we are about other resources and the disappearance of them.

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word, we will spread this warning. Leave our children alone or face a life-time of severe, unpleasant and unre-lenting consequences.

Mr. Speaker, we are not judged by the way we treat the rich, the famous, the powerful, the important. We are judged by the way we treat the weak, the children of our community; and it is time that we focus on what is important for them rather than maybe on other issues in our culture.

So it is our resolve, Mr. Speaker, as a Nation, to those child predators, we say, you cannot run, you cannot hide, you cannot avoid justice. Because as injustice hopefully will soon fade away, justice will rule this day. That is just the way it is.

30 SOMETHING WORKING GROUP

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

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House of Representatives; and, also, we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also the gentleman from Maryland (Mr. HOYER), the majority leader; the gentleman from New Jersey (Mr. MENENDEZ), the caucus chairman; and the gentleman from South Carolina (Mr. CLYBURN) who is our vice chair, and all of the hard-working Members of this Congress.

I think it is important for us to remember, and I think in a few short minutes the President will address the country from New Orleans and the French Quarter, about the Federal commitment to the hurricane-devastated area. He will be in Louisiana, but I would assume he will also be addressing Mississippi, Alabama and some of the other surrounding areas that were affected by Katrina.

I will tell you, Mr. Speaker, that I think it is important that we look at the contrast of what exactly the Federal commitment will be. There has been a lot of words, a lot of Federal jet fuel burned of the President and the Vice President going down to the affected area. There has been a lack of organized congressional visits for us to even understand what those people are going through in the South.

We are going to be talking a little bit about, the 30 Something Working Group, the Federal commitment and the recovery, not only to rescue and recovery but also the response to a national tragedy.

There have been some good statements and some very disturbing statements, and I think the Members need to realize what has been said, what has been done and what has not been done.

I think it is important, if we are going to follow through on some of these statements that have been made here on this floor, if we are going to follow through on what the President would say tonight in another 20 minutes to the country, are we going to be here for the long haul or are we going to give the people affected in the South what we had in Washington, D.C., the Potomac two-step?

Are we going to try to ride this media cycle out?

Are we going to allow big-time contractors to go down, make a bucket of money on the back of tragedy and cut the wages for those very same people that were victims? Are we going to allow that to happen?

Are we going to allow this House, in a vote that we took today, that I voted against, not that I am not in solidarity of the reason why we wanted to put together a select committee of the oversight of what happened in Hurricane Katrina, but the fact that the people of the South are not getting what the 9/11 families got and the American people got after 9/11.

So there is a reason I think why we are hearings of today are strange votes that are taking place. We say we do not want to politicize the process, but we step out on politics. We say we want to get to the truth, either it be city or parish or State or Federal Government, but, better yet, we take congressional action that does not even carry the language to allow us to get to the truth, does not have the bipartisan not only flavor but bipartisan language.

If we are going to do something in the Congress to find out where government failed, where nonprofit failed and not have a 50–50 relationship with the majority side to be able to get to the truth, we are going to see partisan votes on that issue.

I stand with the Democratic leader and I know many of the 30 Something Working Group stand with the Democratic leader as it makes to not even making an announcement now, even if we are going to appoint Members to that select committee because I will tell you 710 lives that have been lost. Better yet, we are going to appoint a committee just like it is regular business here in the Congress. Also, the largest suplemental, I must add, in the history of the Congress and this country, outside of a war supplemental. Some are saying it will go to $200 billion.

1945

Well, if it goes to $200 billion, what will be the Federal commitment in the end? A, we know the people that will be working in the rebuilding process that are victims of this hurricane will not receive the prevailing wage because Davis-Bacon has been waived. They will not receive what other Federal contractors will receive using Federal money. We know that from the begin-ning.

And, the exchange, what do we do with them from the beginning. We know they need money to rebuild, yet we are going to do that.

The whole issue, when it comes right down to it, I say to my colleague from Ohio, it is that the Federal commitment is about tomorrow, a national day of prayer over at the cathedral, and that is fine, we can pray for them. But we are the Congress. We are supposed to do the work of the people that cannot stand for themselves. So I want to come out tonight and say that individuals that are in the affected area, I believe the country needs to rally around them and demand a 9/11-like commission.

We are going to let politicians stand in judgment of politicians? We are going to let a majority party stand in judgment of the majority in the executive branch? The same party that says, oh, we will get to the bottom of this, even if it is embarrassing? Well, people have lost their lives, yet we are going to sit around here as though it is another day at the office? I think not.

There are individuals right now that have mold in their homes and individuals right now that still do not have even the simple opportunity to bury their dead. There are children right now that are lost in the hundreds, and yet it is just another day at the office? Excuse me, but I have a problem with that.

Over in the other body across the hall yesterday there was a vote that went down on a partisan party line. One individual from the State, one of the affected States, was not even on the amendment, and that amendment called for, down to the last sentence, a 9/11-like commission.

It is very, very unfortunate that part-sisan politics has found its way into this national tragedy. The only reason why this Congress is getting away with it is the fact that these individuals who have lost their lives are poor. The individ-uals’ homes that are still under water are poor. That is the reason why the Republicans are we, who do go somewhere else and start talking about what other people should be doing when we are not doing it?

Now, I am not saying the American people are not doing it. I am saying the leadership here in this Congress is not doing it. And if they can sleep well by doing that, so be it. But I will say this, that I believe the American spirit will rise on behalf of these individuals who are living in shelters right now and who do not even know what is hap-pening to them.

I think the reason why people are saying, well, we are moving expedi-tiously and we are trying to do this, that and the other, and we want to make sure people get accountability, is that there are poor individuals, who, by the way, work every day but who may not have the education that the brokers and the stock folks and all of those folks had in 9/11. Now, I sup-ported that 9/11 Commission, and we are doing better because of it. We are better because there was a 9/11 Commission.

There were families that came to this Congress. It was not the first idea of
the Congress or the administration to have a 9/11 Commission, but thank God that those family members on behalf of their families who had lost their lives took whatever money they had, came to this Congress and made it happen. The only difference between the 9/11 families and the 700-some families whose situation is the fact they had a little more money and had a little more influence. And God bless them for having it.

But I will say right now, Mr. Speaker and my colleagues, that we have to stand these individuals that can stand for themselves. That is why we are here. We are not here to represent the haves and have-mores; we are here to represent the individuals that cannot afford to come here. We are here to represent those who got up early one Tuesday morning voting for representation so that they would be represented in this House, so that Democrats and Republicans alike would be represented in this House and Independents would be represented and those that are too young to vote would be represented.

We come here and stand as though it is business as usual while the body count still goes up, the death toll and the misery. We do not know how long this media cycle is going to go on. We just do not know. I do not know how long the press will stick with this issue to keep it in the forefront, but we cannot leave these individuals behind. We have to be in font; and we have to make sure, even if it costs criticism from individuals who may say, well, what do you want us to do? We want you to do the right thing. We want you to pass a resolution that has some teeth in it.

Mr. Speaker, this resolution 437 is a select committee that we cannot even get people to come and talk to us. We have to ask them to come talk to us. So I say to my colleague that this is going to be one of those things, like the Brillo pads and the popcorn, with partisan votes up and down; like the Committee on Armed Services, partisan votes up and down; like the Committee on Appropriations, partisan votes along party lines. We cannot allow that to happen.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield? Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I think my colleague is exactly right. What happened here today, H. Res. 437, is a tragedy. What happened right here on this floor today is a tragedy for the exact reason the gentleman just mentioned.

Now, for those people who are at home and who may not completely understand the whole situation, this body is run by the majority party, which is the Republican Party. And the majority party appoints to the committees the House Appropriations, the House Homeland Security Committee, the Subcommittee on Foreign Operations, Export Financing, and Related Programs, and all these different committees and subcommittees. The majority appoints more people to the committee than the minority, so they basically control the committee process in the House of Representatives.

Now, some committees have subpoena powers and they can subpoena witnesses. But they will only subpoena witnesses that the majority party wants to subpoena. If the minority party would want to subpoena somebody, they could not because they could not get the power out of the committee without majority party votes. So the majority rules.

What is happening in this Congress and in the House and in the Senate is that the Republican Party controls both Chambers. So the Democrats in the minority have no subpoena power. And what has happened over the past few years here, and the great example is the goes with Ken Starr, with the House Committee on Government Reform, the Republican Party that controlled this Chamber, they were the ones conducting the investigation into President Clinton because they had the subpoena power and they had the opportunity to do it.

What we were trying to say, what the minority party was trying to say, the Democrats were trying to say with H. Res. 437, is this select committee that now could go and look at how the screwups went down in the gulf coast should be equal. It should be Democrats and Republicans both having equal subpoena power to oversee the process, because the record for the majority party over the past few years has been atrocious.

Now, let us look at a couple of things. We have talked here many, many times regarding the war, with the weapons of mass destruction, all the money, all the power. Has anybody looked into this in a real way, in depth? Subpoenaed witnesses? Anybody? No. Has anybody been fired? No. How about the Medicare bill that we passed at 3 in the morning. Everyone was told here it was $400 billion. It ends up being 700 or $800 billion after we already voted for it.

This majority party does not have the credibility, I say to my colleague, the credibility to oversee what is going on in this Congress to do anything but whitewash this thing. Get out the Brillo pads because we are going to scrub this thing clean, and nothing is going to happen and the country is going to be worse off for it. So, my colleagues, H. Res. 437 is a joke. It is a joke, there will not be proper investigation.

I just could not believe the debate on the floor today. The gentleman from Mississippi (Mr. TAYLOR), a Democrat who lost his home, for God's sake, was talking here, he is saying, should be not as a representative of a State in a congressional district that lost lives and homes and property and everything else, should he not be able to subpoena somebody, just like every other Member of Congress, if I am on that committee? Or should the Democrats, who many lost constituents of the 700-some that we lost, and some of those people were actually represented by Demo-crats, the majority party not have the opportunity to subpoena somebody?

But, no, this thing is going to get scrubbed. Where is the transparency? Where is the equal opportunity? Where are the Republicans saying there is going to be nine Demo-crats and 11 Republicans.

Mr. MEEK of Florida. It is a select committee. It does not have any subpoena power. You cannot subpoena anyone.

Mr. RYAN of Ohio. There is not even subpoena power.

Mr. MEEK of Florida. I mean, it is like, Will you please come and talk with us?

Mr. RYAN of Ohio. This thing is a paper tiger. It is going to be a song and dance. So let us get ready. Get out the music and the popcorn because this is going to be nothing but a dog and pony show.

So do not think anything is going to happen here, and it is going to be consistent with a lot of the other pieces of legislation that either came through this body or did not get reviewed.

So I just want to say to my colleague from Florida how disappointed I am, how disappointed the Democrats are, and I encourage the gentlewoman from California (Ms. PELOSI), our minority leader, to continue her stance and not appoint anybody to this committee. This is a toothless tiger. It is a washing machine to clean up this mess politically. I hope that our leader stands her ground and our leadership and our party stand their ground and just say that this is a joke and to appoint people to this committee would literally be contributing to the problem and lending our credibility to this issue, which I think is a joke.

Mr. MEEK of Florida. Mr. Speaker, let me just say this in order to clarify the whole issue on subpoenas. In section 5 it calls for joint operations, and it comes down to the majority party. The majority, basically, the bottom line, are the only people that can actually subpoena. So your statement was correct, the minority committee or the Democratic view on the committee, if we wanted a particular individual to be subpoenaed, could not be subpoenaed if we are not in the majority to be able to do so.

Mr. RYAN of Ohio. Unless the majority wants to help us.

Mr. MEEK of Florida. Of course. And that is in section 5 of the joint operations. But let me just say this. If there was an equal 50–50 power on the committee, then obviously there would be time for compromise. Okay, if you want to subpoena this witness, we want to subpoena that witness, and let us just compromise. Even though we do
A day later, the President got called out on it. Time was awasting. That means maybe FEMA did not have what it needed to be able to respond to people stuck in the Superdome and in shelters.

And in Mississippi, where I went, in Hancock County, they had sanctioned looting. It was sanctioned because they had no food and no water. It was not a situation where they said, fine, electricity is off, we do not have a lot of law and order going on, so we are going to go to do bad things. These are individuals who work every day.

Second point, the Democratic leader said we need to make sure that we have a FEMA director that knows what he is doing. This one does not. He needs to step down. Because, obviously, if he was there the day before the storm and his administration was there before the storm and they watched this come in, knowing what the National Weather Service was saying and knowing the facts, from fact. I went down to Miami, just south of my district in Miami, and met with the director of the Hurricane Center last Friday. He was here before the Committee on Science this week and testified. He testified he realized that levees would break. A Category 4 or Category 5 storm, they will break, so it was not secret.

He called the mayor of New Orleans on Saturday night before the storm and said, Mr. Mayor, your levees potentially will break. The mayor put out the order early Sunday morning, mandatory evacuation. We knew there would be massive flooding from the simulation pattern a year prior to this storm. The officials all knew. They knew within FEMA. The State and city folks knew. The levee board knew.

Mr. Ryan of Ohio. Everybody knew. Mr. MEEK of Florida. And people died. I think it is important. I think it is important that Mr. Brown hung around. The President went down and told Michael Brown that he was doing a good job.

Mr. Speaker, people died. I am not saying that he needs to wear that on his back, but the bottom line is somebody appointed him to that position with no experience whatsoever. It is like me leaving this room, leaving this floor and saying to the gentleman from Ohio (Mr. Ryan), well, you know, I am going to carry out open heart surgery. I have no training, but I know how to do it. I stayed in a Holiday Inn Express last night.

You do not get qualifications based upon we need to fill a position, not a FEMA position. That played around, and finally the administration took him out under pressure, not only pressure from the Democratic leader but from the media who started focusing on him, saying things were going poorly because we still do not have good leadership there. He came back to Washington, and he resigned.

Then we called for this 9/11 Commission-like legislation to pass to make sure that this never happens again, never happens again. Not natural disasters, we have no control over that. That is an act of God. But when it comes down to governance and responsibility and making sure if you are poor, middle class or wealthy in this country that this government, the Federal government, is not doing what it needs to do, that is an issue of telling the truth. The majority.

What would be different if we were in a campaign, I see it preventing and without any real congressional review. If a Member of Congress went down to see what the Federal response was, you cannot go on what we call a congressional visit, go down there on a CODEL. No, you cannot. You cannot go to find your own way down. Good luck, Charlie. You find your own way down there. Catch a bus if you can, or hitch a ride with a friend, or take money out of your own pocket and go.

I happened to get down there on the relief flight taking food and necessities down. That is how I got into the affected area.

The American people can take it for what it is. This is a coordinated campaign. Unfortunately, I do not believe it as a campaign, I see it preventing us from doing what it is. This is a coordinated campaign. Unfortunately, I do not believe the American people, Members of Congress, no matter what community you represent, if you believe in making sure that people get the same representation, for us to have a 9/11 Commission, and I must add, my friends from Ohio (Mr. Ryan), and we come to the floor to talk about what we should be doing and how we should be doing it or what we are doing on this side of the aisle, it is important for us to know the facts. This is the same Congress in the majority that the 9/11 families came up here, and they voted down two opportunities to set up a 9/11 Commission. This is the same Congress, until it just became overwhelming that there were major mistakes in our intelligence, major mistakes.

I am not saying just Democrats that are affected in affected areas. I am talking about Members of Congress giving them voice to allow them to not ever go through this again and also make sure that we become victims when we have contractors with no restraints, no-bid contracts. They can run the tab up to whatever they
can run it up to, and then the President is going to waive Davis-Bacon which allow the people in the recovery process to receive minuscule wages, not what they would ordinarily get from Federal procured work.

I think it is important. The differences:

A. coming back here in session, it would have happened without hesitation if Democrats were in the majority.

B. Michael Brown would have gone to another job long before because the pressure, and there probably would have been a vote to remove the director, putting pressure on the White House to get someone more qualified.

C. we would have a 911-type commission appointed today to start pulling itself together to do the work and make sure this never happened began.

D. the procurement issue, it would not be an issue because there would be proper oversight. These are very serious issues.

The only reason I am saying Democratic leadership versus Republican leadership, because that is exactly the direction we are going in now. The votes are not down here anymore. Republican votes, not votes on behalf of what we know. We are not talking about a Truman Commission or something that happened 20 or 40 something years ago. We are talking about a 9/11 Commission that is still doing its work, and it is the same administration and the same majority side in Congress.

I am asking for the Members of this House on both sides of the aisle and for the American people not to give up on these poor people. That is the bottom line. Do not give up on them. They are not giving up on us. The American people, community after community, are taking care of the evacuees, taking care of these Americans, but we need to make sure that the government that they pay taxes to, that their children are fighting in a war for, making sure that they are not left behind because they do not have the economic means to be able to come up here to Washington and say we want a commission, we want it now, we want to make sure this never happens for my husband, my neighbor, for my family, for a family member or just someone who is unrepresented in this process.

Mr. RYAN of Ohio. Mr. Speaker, The Washington Post reported, just to support the gentleman’s argument, five of the eight top Federal management agency officials came to their posts with virtually no experience in handling disasters and now lead an agency whose ranks of seasoned crisis managers have thinned dramatically since 9/11. Five of the top eight FEMA people had no emergency management experience at all. What did we think would happen if we had this kind of tragedy? I still say it had a lot to do with the number of elected officials voted in Louisiana and Mississippi than anything else. Because if it was Florida, with all due respect, they would have been there with billions of dollars prior to. If it was an election year, everybody would be down there, and the President’s brother would be running around campaigning.

I think it is terrible that we have this kind of cronyism going on. We understand. We do not want incompetents. We know that a President appoints his friends who make a lot of donations to posts in the executive branch. We know that. That is how it goes. But to appoint these people to FEMA? During a rise in hurricanes? Come on. It is irresponsible.

As far as the committee goes, as far as having a committee, CNN Gallup Poll taken a few days ago, 70 percent of the American people supported an independent panel to investigate our response to Hurricane Katrina. That is 70 percent of the American people, 70 percent of those responding. I think it is important for this body to recognize that this toothless tiger, this paper tiger that we passed today, H. Res. 437, is not what the American people want. They want an independent investigation, bipartisan, equal power among both parties to investigate it so there is no coverups, no whitewashing going on. That is what the American people want.

Mr. Speaker, I would like to start talking about something that I think is very important. We are going to do this. This country is going to make sure that we rebuild. The problem that we were talking about the weekend before this administration is a big hurdle for us. The money is another hurdle. I cannot believe that with all of the challenges that we have right now in this country that this President cannot go to the wealthiest Americans, his top campaign contributors, and ask them to give back just a wee little bit of their tax cut that they got over the past 4 or 5 years, just a wee little bit to help us fund Hurricane Katrina, to help us fund the war.

We are giving millionaires hundreds of thousands of dollars back, and our deficit is ballooning. Now, today, it is reporting we are going to need another $50 billion to keep the war fund going. We are already hundreds of billions of dollars into the war, and now we have Hurricane Katrina. Hindsight is 20-20, but you do not get into elective wars. You pay for the war and to pay for Katrina. Have the guts to ask them for it. If they are in the health care industry, I am sure they are doing okay. If they are in the oil industry, I am sure they are doing just fine. Record profits as far as the eye can see in the oil industry. The greatest quarterly profits, billions and billions and billions of dollars for BP and a lot of these other folks. The big money people are doing okay. But those little kids on the covers of those magazines, those are the ones that need to be helping to have the courage to ask the wealthiest people in the country in the country to help out, I think, is poor leadership.

So I think as much as we are talking about restructuring and trying to figure out what we are going to do and how we are going to make the government run more efficiently and how we are going to take care of FEMA and fix the problems that we have been talking about here the past few weeks, a component of that is what are we going to do with our budget deficit. Because, again, this was something we have been talking about with the 30-some things for months and months and years even now. So I ask the President to please ask these people to contribute. They are the only ones doing really well in the country right now. Ask them to help out.

I am sure in the gentleman from Florida’s (Mr. MEEK) district, as in many parts of this country, people who do not have a lot of disposable income are the ones bringing the canned goods. And I am not saying that the wealthy people are not doing it. Of course they are. But right now our government needs funds, and we need the wealthiest in the country to contribute. And we have got to have a President that is willing to ask them to help out. And to see the disparity between those who have and those who do not highlighted through this whole topic. I think, respect for all of us in public office, especially those in high-ranking leadership positions, like the President, to make the proper request; and we need to ask those who have been doing very well to contribute to that fund.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, we have central time in the affected area, eastern time. I know that the President is going to be on 8 o’clock central, but he is going to be on at 9 o’clock eastern. But, obviously, he will be coming on very shortly. But I think it is important that it is not the words he is going to share with the American people tonight. It is
the action. We have to look at the action or the lack thereof that has been taken thus far.

Flying down, reviewing the devastation, talking to families, we have to go far beyond that. We have to make sure that this Congress feel what we feel here on this floor tonight, having an opportunity to touch these individuals.

And I just want to say, Mr. Speaker, this is a FEMA trailer down in Hancock County, Mississippi. I am standing there talking to one of the FEMA part-time workers. And there is a row of people actually behind them, maybe 20 individuals in this trailer. But these individuals waited about 2 hours, and that is the short line, to get the assistance. They say that it should be 48 hours, 72 hours when it goes into their bank account. Many of these individuals are told 3 days earlier and they still did not receive the assistance.

But I think it is important for us to realize, that this mentioned the poll about putting an independent commission together. Because it is one thing to be able to say I will do my investigation and we will make sure that this never happens again and the gentleman from Ohio (Mr. RYAN) is my good friend and I am going to make sure that he did what he was supposed to do. I do not think we are going to get down to the real truth about how we can avoid this from happening in the future, unless we hear lamentable responses, also making sure that the nonprofit agencies that we tie in with, that they did what they were supposed to do.

As it relates to the evacuation of poor people, there was a bill dropped down by the Democrats of the aisle that called for a response plan, an evacuation plan for the poor, for the elderly, for the individuals that need assistance the most, because what we saw in New Orleans, what we saw in Louisiana, what we saw in Mississippi, the individuals that were left behind were the individuals who did not know where their next $5 was going to come from or were waiting on their check to come in or did not have a car to get out, and it is catastrophic.

So for us to be the last standing superpower, for us to have a President that we call the leader of the Free World, and for us to allow this to happen to Oklahomans is shameful. That is not what I am saying. That is what weekly periodicals are saying. That is what the headlines on newspapers are saying. That is what everyday Americans are saying.

Some folks say it has a lot to do with the fact that people just did not listen to us. Well, there are a lot of people who did listen, and there are a lot of people that are somewhere else, at a cousin’s house right now before they feel safe. Many of them did not even have insurance because their homes were paid for or they could not afford it.

Mr. Speaker, the bottom line here tonight is that we cannot allow business as usual or “the establishment” to sweep this under the carpet. We are not saying that blood is on anyone’s hands. We are not saying that. What we are saying is that we cannot afford for it to happen again. It could have been avoided.

So I think, Mr. Speaker, before we leave here tonight, we need to make sure that we give the e-mail address out. We need to make sure that Members of both sides of the aisle know that we have a responsibility to stand for these individuals. If somebody wants to do something, I think they need to help these individuals in the South. They need to help these individuals who do not have the means to come to Washington to organize themselves and ask for a government-sanctioned, funded independent commission to be able to make sure that someone’s husband or wife does not run out of oxygen because the levees broke and we could not do anything, and we come to find out that those individuals did not even drown. They just expired. They did not get health care. The power ran out. The generator was already turned off. All of us always avoid these. All of this could have been avoided with the proper oversight and governance. So we need individuals that are professionals in this field to make sure that this never happens again.

Mr. Speaker, I will just go ahead and say for those individuals that felt that the resolution that we passed today was the best thing since sliced bread and they are on the plane on the way back to their districts or what have you, of course we realize that they did their part, now they go home and do what they have got to do in their district, that is fine. But I think they should have a conscience, a conscience on the fact that these individuals are not getting their just due, and they are not getting represented, and they are not getting what they deserve as Americans.

They are not refugees. They are Americans; and I will tell the Members right now, not individuals, but individuals. If we leave these individuals behind, if we leave these individuals behind, because I am going to tell the Members right now I do not think the American public will allow that to happen. I am going to be positive on this. When one is a leader and they say, okay, we thought we did something, maybe we need to revisit this thing one more time, I think that is important. And if one is in power to be able to make that happen, then so be it.

The 1964 Civil Rights Act, the 1965 Voting Rights Act, and the Bradley Act have already been in law if it were not for the people out in the streets making it happen. If it were not for black and white people of good-will saying that somebody like me can have an opportunity to come to the Congress and give a Special Order to talk about the very individuals who cannot represent themselves; if it were not for those individuals, white and black, people in the North saying, we are not right in the South and we are going to risk our lives to get the attention of the government that they pay taxes to allow them to have the kind of representation they deserve, this is far deeper than the response from the last day of this week.

The last vote we take, and folks go home like it is another day at the office, I am sorry. If these individuals had the means to be able to make the political contributions, maybe they would get the attention of the majority of the House. I am talking about majority on both sides of the aisle. Maybe it would be different. But all they did was they voted for representation, and they saluted the same flag that we sol- vent every day here in House, and they deserve the representation.

I am disturbed, Mr. Speaker, I am disturbed, by the fact that they are partisan votes that are going on the other side of the Congress and in this House as well. We are just involved in this legislation. It is something we disagree on. Americans have lost their lives. Americans are displaced. Children are displaced. People ran out of oxygen. Folks ran out of insulin. People are trapped in their homes. Bodies are still floating; and we leave on our way to a picnic like it is nothing.

Maybe all of us have made our contributions to the best 501(c)(3) or the relief effort that we wanted to, I know I have. But I will tell the Members this: it goes far beyond that. It goes far beyond that.

So I think the 30-something Working Group has to continue to do our part. We have to continue to do our part. Mr. RYAN of Ohio, if the gentleman will continue to yield, he highlighted a point. This outfit that is in the executive branch right now, it is all politics. It is all politics all the time. It is not about policy. It is all about politics and trying to keep the Republicans in the majority. And I think when we see that five out of eight of the top appointments at FEMA are political hacks, I think when we look at passing a drug bill that does not allow for reimportation; does not allow for reimportation; does not allow for reimportation, all politics all the time. Weapons of mass destruction, go through all the war information we had before, all politics all the time. How do we sell this to the American people? Whether it is true or not, irrelevant. We need to go to war, and we are going to say whatever we have to say to get it done.

Now, as the gentleman mentioned earlier, talking about Davis-Bacon, Jim Davis and Bacon were two Republican Members of Congress who passed a prevailing wage law that allows for when Federal money is being spent in a certain area that the Feds will pay the
prevailing wage of that area for the workers. Because if they are paying Federal money, then they should obvi-
osely be paying for whatever the going rate is in that area.

So what the President did was he repe-
aled the prevailing wage provision. What it basically means is we are not going to have any oversight over the contrac-
tors. We are going to send them bil-
dions of dollars. Halliburton is going to get their money. We are going to pay them whatever we have got to pay them. $100 billion with no Oversight from a bipartisan com-
mission here; and at the same time as we are not overseeing what the con-
tractors are doing. We are going to re-
peal the basic provision that allows for work-
ers to at least make a decent wage in that area.

And today in the Hill newspaper, these gentlemen from Americans for Tax Reform are saying that this repeal will make it obvious that Davis-Bacon is nothing but dead weight. So here these guys are wasting all of their time, all their energy putting the screws to the workers, guys in New Or-
leans that are now living in Baton Rouge or in Mississippi or in Houston who lost their home and family, build their community and make the going rate in their community, the pre-
vailing wage in their community, and these guys are wasting all their time and energy trying to screw them to the wall instead of looking and seeing what Halliburton is doing.

Mr. TANNER (at the request of Ms. PELOSI) for today after 2 p.m.

Mr. TANNER. Mr. Speaker, the government is going to get away with a joke. The gentle-
man from Ohio mentioned an issue about being nonpartisan and being. I would say, third-party validators, I just want to make sure we are clear. On the commission proce-
dural vote that was voted down, for us to have this week, voted down for us to have a 9/11 kind of a commission, I believe that was today; and yesterday, there is an article, and I will give it to the Members just in case they were not watching the Senate, www.sfgate.com, there is an article: “Senate Kills Bid For Katrina Commission.”

Now, let me tell my colleagues some-
thing. This is nothing that we did; this is something that the majority did. If they wanted to pass it, they could have passed it, and to make sure that it never happens again and to make sure that Americans do not have to watch the horror, the horror of people dying and bodies float-
ning, not because of Katrina, but be-
cause the levee broke and because a lack of ad-
ministrative duties and governance on all levels; if we do not want that to happen again, why are we not passing a 9/11 kind of commission for the people in the gulf South?

They do not want to hear a speech. They do not need to hear, oh, we are going to do this, that, and the other. We are at war right now. We have men and women right now with sand in their teeth and bombs blowing up every day around them. away from their fam-
ilies, some have family in the affected area. I just want to give credit where credit is due; some of them had an op-
portunity to come back and check on their families. But let me just say, we have to go far beyond allowing business as usual.

I call on the Members and the Amer-
ican people again not to allow this to be swept under the carpet, not to allow individuals to sit up here and set the deck because these individuals are poor. We are better than that, and I know that we are going to do it.

Mr. Speaker, I want the gentleman
from Ohio to give our e-mail address out. I know it is going to be sweeping under the carpet. But I will tell my colleague, I am encour-
gaged. I am encouraged because the American people, some 70 percent of them say they want an independent commission, and it is not a partisan issue. Those are Democrats and Repub-
licans. I am encouraged that the demo-
cratic leader, the gentleman from Cali-
ifornia (Ms. PELOSI) is willing to stand
in there against the wind for what the American people believe in and not allow business as usual. I am encour-
gaged. I am encouraged by the fact that people are not only praying on behalf of these individuals, but the American people have taken action on behalf of them, making sure that they have the things that they need. Throughout the country people are bringing people into their homes, paying rent for them as they are displaced at this particular time. I am encouraged. I am encour-
gaged by the fact that the victims, some of the victims, of the Halliburton grand-
mothers to make sure that they are even able to stand up and go through the trials and tribulations that they have gone through and they still go through. I am encouraged by that.

So, I say that every time that we have an opportunity to come to this floor and speak as free Americans in this democracy, we are going to give those individuals voice. I am glad that there is some leadership on this floor that sees the importance in that.

Mr. RYAN of Ohio. Mr. Speaker, I am going to make a prediction. The hour is late, but I am going to make a pre-
picture. The American people will not allow, will not allow the Republican Party to get away with having another white wash. They are not going to allow us to scrub this up and cover this up and clean it up without having proper oversight. Seventy percent of the people in this country want an independent commission to look at this, or a bipartisan commission to look at this. And I think until that happens, the Republican Party will continue to get pressure from the American people.

I think the gentlewoman from Cali-
fornia (Ms. PELOSI) is going to stand strong. And, quite frankly, again, we should not appoint anybody to this commission. Eighteen Republicans, nine Democrats, we do not have an ounce of power on this thing, and we will get slammed just like we do every day down here, and the end result will be a FEMA that continues to be inept and incapable, and its response to natural disasters.

So I say that the American people, that 70 percent of them who want this independent commission will not let this go, will not let the corruption and the cronyism continue. Mr. Speaker, 30somethingdems@mail.house.gov., send us an e-mail. We will be back here next week for a couple more nights and keep hammering away. We are not going to let go until we get the kind of commission that the American people want, that is only fair, and that will best fix the problems that we have in FEMA right now, because it will have proper oversight.

Mr. MEEK of Florida. Well said, I say to the gentleman. I thank my col-
league for joining me in this (special order) this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of ab-
sence was granted to

Mr. COOPER (at the request of Ms.
PELOSI) for today after 2 p.m.

Mr. TANNER (at the request of Ms.
PELOSI) for today on account of a fam-
ily funeral.
Mr. ISTOOK (at the request of Mr. DeLAY) for today on account of observing relief operations from Hurricane Katrina.

Mr. GARY G. MILLER of California (at the request of Mr. DeLAY) for today on account of illness.

Mr. PICKERING (at the request of Mr. DeLAY) for today after 12:30 p.m. on account of traveling to his district with the President of the United States to survey hurricane damage.

Mr. Rogers of Michigan (at the request of Mr. DeLAY) for today on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereinafter entered, was granted to: (The following Members (at the request of Mr. DeFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. Brown of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMER) to revise and extend their remarks and include extraneous material:)

Mrs. MYRICK, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 20 and 21.

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 20, 21, and 22.

Mr. NUSSLE, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GOHMER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMPSON of Mississippi and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the Record and is estimated by the Public Printer to cost $3,034.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 276—An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

3900. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3910. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Partial Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3911. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Partial Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3912. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population (RIN: 1018-AT76) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3913. A letter from the Assistant Secretary, Land and Minerals Management, OSY, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ (CGD06-05-072) (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3914. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation of Economic Exclusions From August 2005 Final Designation (RIN: 1018-A96) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3915. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Romeoville, IL (RIN: 1625-AA87) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Battery Beach, Atlantic City, NJ (CGD06-05-072) (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Migratory Bird Hunting Regulations; Atlantic Intracoastal Waterway; South Branch of the Elizabeth River, Chesapeake, VA (CGD05-05-041) (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL (CGD09-05-120) (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Migratory Bird Hunting Regulations; Atlantic Intracoastal Waterway; South Branch of the Elizabeth River, Chesapeake, VA (CGD05-05-041) (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA (CGD07-04-124) (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA (CGD07-04-124) (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on certain Federal Indian Reservations and Ceded Lands for the 2005-06 Season (RIN: 1018-AT76) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA (CGD13-05-001) (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mississippi River, Rock Island, IL (CGD08-05-025) (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Potomac River, between Alexandria, VA and Oxon Hill, MD [CGD08-05-063] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD10-08-033] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Baldwinsville Fireworks, Baldwinsville, N.Y. [CGD09-05-108] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


3961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Long Island, New York Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, Maryland [CGD05-05-094] (RIN: 1625-A-A09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3964. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Petaluma River, Petaluma, CA [CGD11-05-023] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3965. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Blackpoint, CA [CGD11-05-024] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3966. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Berkeley Bay, (Atchafalaya River) Morgan City, Louisiana [CGD08-05-029] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD10-08-033] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, Maryland [CGD05-05-094] (RIN: 1625-A-A09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, Maryland [CGD05-05-094] (RIN: 1625-A-A09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3973. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department’s final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-097] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21907; Director Identifier 2005-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class D Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class C and E Airspace; Ashtabula Municipal Airport, OH [Docket No. FAA-2005-21907; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3977. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class C and E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class C and E Airspace; Ashtabula Municipal Airport, OH [Docket No. FAA-2005-21907; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3979. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class C and E Airspace; Lincoln, NE [Docket No. FAA-2005-21907; Director Identifier 2005-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3980. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of legal description of Class C and E Airspace; Ashtabula Municipal Airport, OH [Docket No. FAA-2005-21907; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
AD: Amendment 39-14213; AD 2005-16-08 (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Learjet Model 23, 24, 25, 35, and 36 Airplanes [Docket No. FAA-2005-21088; Directorate Identifier 2004-MM-257-AD; Amendment 39-14214; AD 2005-16-09] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2005-21184; Directorate Identifier 2004-MM-267-AD; Amendment 39-14215; AD 2005-16-10] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters [Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14229; AD 2005-16-04] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. Boehner (for himself, Mr. McKeon, Mr. Kildee, Mr. Kucinich, Mr. Pascrell, Mrs. Santos, Mr. Pickering, Mr. Bender, Mr.0, Mrs. Biggert, and Mr. McCaul): H.R. 3787. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out anti-harassment programs; to the Committee on Education and the Workforce.

By Mr. Cole of Oklahoma (for himself, Mr. Boren, Mr. Jindal, Mr. Baker, Mr. Alexander, Mr. Boustany, Mr. Wexton, Mr. Pickering, and Mr. McKeon):

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. Andrews:

H.R. 3789. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from pre-emption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. Kind:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate inclusions in their income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure; to the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Brown of Ohio (for himself, Mrs. Capps, and Ms. Baldwin):

H.R. 3791. A bill to provide for the deferral of and an extension for the Strategic Petroleum Reserve under certain circumstances; to the Committee on Energy and Commerce.

By Mr. Brown of Ohio (for himself and Mrs. Capps):

H.R. 3792. A bill to provide for the establishment of a Gasoline Availability Stabilization Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. Capps:

H.R. 3793. A bill to ensure that predisaster hazard mitigation continues beyond 2005; to the Committee on Transportation and Infrastructure.

By Mr. Davis of Illinois (for himself and Mr. Rush):

H.R. 3794. A bill to require the Secretary of Housing and Urban Development to make single family properties held by the Department pursuant to foreclosure under the FHA mortgage insurance program available for occupancy by families displaced by Hurricane Katrina; to the Committee on Financial Services.

By Mr. Ferguson (for himself, Mr. Pickering, Mr. Geoula, Mr. Inslee, Mr. Gorton of South Carolina, Mr. Holden, and Mr. Van Hollen):

H.R. 3794. A bill to amend title XVIII of the Social Security Act to modify the definition of outpatient speech-language pathology services in order to recognize speech-language pathologists as suppliers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Nadler (for himself, Ms. DeLauro, Mrs. DelBianco, Mr. Kaptur, Mr. McGovern, Mrs. Baldwin, Mr. Rush, and Mr. DeLauro):

H.R. 3796. A bill to establish the AmeriCorps Disaster Relief Corps to carry out national service projects that address the needs arising from the consequences of Hurricane Katrina, and other major disasters and emergencies; to the Committee on Education and the Workforce.

By Mr. Gohmert (for himself, Mr. Hostettler, Mr. Bishop of Utah, Mr. King of Iowa, Mr. Shadegg, Mr. Garrett of New Jersey, Mr. Gutknecht, Mr. Tancredo, Mr. Goodlatte, Mr. McHenry, Mr. Fenney, Mr. Chabot, Mr. Marchant, and Mr. Barksdale of Maryland):

H.R. 3797. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space for the United States Government during the period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. Granger:

H.R. 3798. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the monthly rates of the basic allowance for housing and the cost-of-living allowance for members of the uniformed services in response to sudden increases in energy and gasoline prices; to the Committee on Armed Services.

By Ms. Jackson-Lee of Texas:

H.R. 3799. A bill to provide for the establishment of an independent, Presidential- appointed Commission to assess the circumstances related to the events caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Mr. Kucinich (for himself and Mr. LaTourette):

H.R. 3800. A bill to amend title XIX of the Social Security Act to establish for the qualified individual (1) program of Medicare cost-sharing assistance to low-income Medicare beneficiaries; to the Committee on Energy and Commerce.

By Mr. LaHood:

H.R. 3801. A bill to reduce temporarily the duty on sulforazone; to the Committee on Ways and Means.

By Ms. McCarthy (for herself, Mr. Gohmert of California, Mr. Pascrell, Ms. Linda T. Sánchez of California, Mr. Israel, Mr. Bishop of New York, Mr. Shadegg of Arizona, Ms. Schwartz of Pennsylvania, Mr. Brady of Pennsylvania, Mr. Pearce, Mr. Payne, Mr. Jefferson, Mr. Hinojosa, Mr. Kildeer, Mr. Owens):

H.R. 3802. A bill to provide student loan forgiveness to the surviving spouses and parents of the victims of Hurricane Katrina; to the Committee on Education and the Workforce.

By Ms. McCarthy:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 to allow certain surviving spouses to exclude up to $500,000 of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Ms. McCarthy:

H.R. 3804. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Mr. Meeke of Florida (for himself, Mr. Ryan of Ohio, and Mrs. McCarthy):

H.R. 3805. A bill to establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disasters Response and Reconstruction; to the Committee on Transportation and Infrastructure, and in addition to the Committees
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on Government Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:
H. R. 3806. A bill to amend the Immigration and Nationality Act to require the noncitizen issuing official to employ illegal aliens; to the Committee on the Judiciary;

By Mr. NEY:
H.R. 3807. A bill to amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate “boutique” fuels, to require the Secretary of Energy to construct a national database that provides detailed business intelligence, 15 new gasoline refineries, and for other purposes; to the Committee on Energy and Commerce;

H. R. 3808. A bill to amend title 18, United States Code, to provide criminal penalties for price gouging during times of disaster; to the Committee on the Judiciary;

By Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. RACA, Mr. HOLDEN, Mr. MCLNTYRE, Mr. ETHERDGE, Mr. CASE, Mr. CUELLAR, Mr. HINOSA, Mr. TAKAI, Mr. HERSETH, Ms. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUCHANAN, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARGOW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. ENSERATH, Mr. GRJALVA, Mr. REYES, Ms. CORRINE Brown of Florida, and Ms. KAPTUR): H.R. 3809. A bill to respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia);
H. R. 3810. A bill to establish a Special Inspectors General Council for Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:
H. R. 3811. A bill to terminate the effect of the Federal Communications Act of 1934, as amended, to create a major disaster; to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:
H. R. 3813. A bill to establish an Office of the Homeland Security Coordinator, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself and Mr. MCHUGH):
H. R. 3814. A bill to ensure that highway safety signs within 5 miles of a border checkpoint in the United States are bilingual; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, and Mr. MEKK of Florida):
H. R. 3815. A bill to ensure that communities are prepared for evacuation in case of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. DEERING (for himself, Mr. HULTENER, Mr. OWENS, Mr. KANJAH, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico);
H. R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. RUSH, Mr. PUTNAM, and Mr. COLE of Oklahoma);
H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. ISSA:
H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress that the United States should withdraw the United States Troops from Iraq; to the Committee on Ways and Means.

By Mr. LEACH:
H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that the United States should adopt a 30% foreign policy budget cap; to the Committee of Appropriations.

By Mr. HALL (for himself, Mr. BROWN of Ohio, Mr. HARRIS, Mr. ISA, Mr. LEVIN, Ms. GRIJALVA, Ms. WASSERMAN SCHULTE, Mr. BERNIE JOHNSON of Georgia, Mr. BURBETT, Mr. CIAK of Pennsylvania, Mr. BALDWIN, Mr. COOPER, Mr. WAXMAN, and Mr. DINGELL):
H. Res. 444. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. DELOY:
H. Res. 445. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MALONEY:
H. Res. 446. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked in the space program, for the launch of Space Shuttle Discovery onSTS-114; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Ms. MILLER-McDONALD, and Ms. SLAUGHTER):
H. Res. 447. A resolution permitting the use of the frank for mailings which include solicitations for charities responding to a major disaster which is the subject of a Presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. castle (for himself and Mr. LEACH):
H. Res. 448. A resolution recognizing the suffering of both Israelis and Palestinians and acknowledging the sacrifices made in the interest of peace by the Israeli settlers who left the Gaza Strip voluntarily, and for other purposes; to the Committee on International Relations.

By Mr. TIERNEY (for himself and Mr. LEACH):
H. Res. 449. A resolution to create a select committee to monitor and investigate the development and carrying out of contracts related to the relief and reconstruction efforts in response to Hurricane Katrina; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. GONZALEZ:
H. Res. 3819. A bill For the relief of Vicente Beltran Luna; to the Committee on the Judiciary.

By Mr. LINDER:
H. Res. 3820. A bill to clarify section 1511 of the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PASTOR:
H. Res. 3821. A bill for the relief of Alejandro Arias Martinez; to the Committee on the Judiciary.

By Mr. PAUL:
H. Res. 3822. A bill for the relief of Milton De Jesus Marrquin; to the Committee on the Judiciary.

By Mr. WEXLER:

ADDITIONAL SPONSORS

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

H. R. 123: Mr. REYES.
H. R. 145: Mr. MCCOTTER.
H. R. 146: Mr. MCCOTTER.
H. R. 147: Ms. WASSERMAN SCHULTE, Mr. STUPAK, and Ms. VELAZQUEZ.
H. R. 226: Mr. MEEKS of New York, Mrs. McCARTHY, and Mr. LARSON of Connecticut.
KILDEE, Ms. McCOLLUM of Minnesota, Mr. Brown of Ohio, and Mrs. McCarthy.

H. Con. Res. 230: Mr. RANGEL, Mr. BERMAN, Mr. INSLEE, Mr. FORBES, Mr. CARTER, Mr. MECKS of New York, and Mr. McCOTTER.

H. Con. Res. 231: Mr. Smith of Washington.

H. Con. Res. 237: Mr. ACKERMAN, Mr. STARK, and Mr. WU.

H Res. 24: Ms. ROS-LEHTINEN.

H. Res. 192: Mr. BROWN of Ohio.

H. Res. 215: Mr. BACHUS and Mr. BARTLETT of Maryland.

H. Res. 220: Mr. LEACH, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, and Mr. EVANS.

H. Res. 261: Ms. WOOLSEY, Mr. BAKER, Mr. BOUSTANY, and Mr. LOBIONDO.

H. Res. 276: Mr. HINCHRY, Mr. SMITH of Washington, and Ms. SOLIS.

H. Res. 295: Mr. SKELTON.

H. Res. 316: Ms. PELOSI, Mr. FERGUSON, Ms. SCHAKOWSKY, Mrs. BONO, Mr. OTTER, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. SIMMONS, Mr. KUCINICH, Mr. HOVEY, Mr. BEREERA, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CUNNINGHAM, Mr. GIEGLIACH, Mr. EVANS, Mr. FREELINGHUYSEN, Mr. TOWNS, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. PORTER, Ms. KAPTUR, Ms. VELAZQUEZ, and Mr. BACA.

H. Res. 323: Mr. MCHUGH and Mrs. KELLY.

H. Res. 368: Mr. SMITH of Texas and Ms. SCHWARTZ of Pennsylvania.

H. Res. 409: Mr. FLAKE, Mrs. MUSGRAVE, and Ms. LINDA T. SANCHEZ of California.

H. Res. 415: Mr. MCNULTY.

H. Res. 441: Mr. GENE GREEN of Texas and Mr. JEFFERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3684: Mr. WAMP.

H.R. 3763: Mr. Price of Georgia.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Brian Baird.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Eternal Lord God, source of goodness, forgive our departures from Your plans. We have desired to rule and not to serve. We have wanted to avenge ourselves and not forgive. We have focused on getting and not giving, on speaking and not listening. We have been too busy to spend time with You, and the voice of conscience has condemned us. We have learned too little from our mistakes. Forgive us not because of our goodness but because of Your mercy.

Today, bless our Senators with Your peace. Help them to honor You with their thoughts and actions. Prepare each of us for a future of hope and trust. We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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

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

SCHEDULE
Mr. FRIST. Mr. President, in a few moments, we will return to the consideration of the Commerce-Justice-Science appropriations bill. We are very close to an agreement which will allow us to finish that bill at an early hour today. The two managers have worked diligently on the course of the last week and this week—it has been now 2 weeks on the bill—and we are now ready to proceed to final passage after we dispose of a few remaining issues. I expect that we will line up a series of stacked votes beginning sometime around 10:45 or 11 this morning, and we will alert Senators once we lock in that time.

Once we complete the Commerce-Justice-Science appropriations bill, we will start consideration of the Agriculture appropriations bill. Senators should begin preparing for that bill and I encourage Senators to notify their respective chairman and ranking member if they intend to offer amendments. It is helpful for the two leaders and the bill managers to know in advance what amendments will be offered so that we can proceed in an orderly way.

HISPANIC HERITAGE MONTH
Mr. FRIST. Mr. President, I rise today to recognize the monthlong celebration honoring the heritage of Hispanic Americans. That monthlong celebration begins today.

Nearly 48 years ago, Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, George Herbert Walker Bush expanded the celebration to 4 weeks. National Hispanic Heritage Month was born. Every year we set aside a month to pay special regard to the contributions of Hispanic Americans.

Over the centuries, Hispanic Americans have profoundly affected the course of human history. Their influence predates the birth of our Nation, tracing back to the first footsteps of Spanish explorers now more than 400 years ago.

DeSoto and his men were the first to discover the mighty Mississippi. Cortes’s expedition unearthed the Grand Canyon. DeAnza blazed a trail from Mexico to California’s Pacific coast.

Since the dawn of early explorers, millions of men and women from Mexico, Puerto Rico, Cuba, Central America, South America, and Spain have continued the tradition of settling in America. They have come in search of freedom, peace, and prosperity, and they have gotten far more than they sought.

Through the ages, Hispanic Americans have left an indelible mark on the history, the culture, and the values of our Nation. It is those values and contributions that we celebrate.

Some names stand out. David Barkley was the first Hispanic American to receive the Congressional Medal of Honor. Barkley voluntarily swam the frosty Meuse River in France during World War I to gather information behind enemy lines. He gave his life to our country, drowning on his swim back to land.

Luis Alvarez, a Nobel Prize recipient, revolutionized the safety of air travel by inventing the ground control radar system for aircraft landings.

Ellen Ochoa was the world’s first Hispanic-American astronaut.

Sara Martinez Tucker, who I had the opportunity to meet at a dinner I recently hosted, her story intrigued me so much. A native of Laredo, Sara worked her way up from humble beginnings to be the first Hispanic female to hold an executive position at AT&T.

Time Magazine recently named her one of the top 25 most influential Hispanic Americans. But most important is what she has done to help other Hispanic Americans realize their own dreams. As CEO of the Hispanic Scholarship Fund, she has grown the scholarship fund from $3 million tenfold to $30 million in scholarship money distributed every year, and she is not stopping there. Sara wants to nearly
double the percentage of Hispanics with college degrees by 2010, and I believe with her determination, she will accomplish just that.

David Barkley, Luis Alvarez, Ellen Ochoa, Sara Martinez Tucker, Alex Rodriguez, Nancy Lopez, Richard Serras, Rita Hartshorn, Carmen Chavez, Alberto Gonzales, Jose Gonzalez—I mention Jose because he has a special place in my heart. Jose was the chief surgical resident at Massachusetts General Hospital when I was in my training in Boston. I was an intern at the time. Jose walked me through my very first hernia operation, an operation I have performed many times since that first occasion, an occasion which I remember vividly, an operation I continue to perform in Africa on medical mission work.

The list goes on. There are doctors, entrepreneurs, public servants, athletes, artists, philanthropists, scientists, scholars. In all of these professions, in all of these fields, the huge contributions that have been made in the past, all have contributed to that rich fabric of American life. We are a more vibrant nation and we are a more vibrant people because of it.

These names stand out, but there are many others, large and small, who move America forward every day. They are the countless heroes who have fought in our wars, who work in our hospitals, who teach in our schools, and who serve in our Government. Many who have come to America with a simple hope of a better life and through hard work they have achieved that goal. We honor their character, their determination, and their enduring optimism.

It is the spirit of the American character which gives flight to the American dream and has fueled the progress of our great Nation.

Today as we begin a monthlong celebration of Hispanic heritage, I join with all Americans in recognizing the invaluable contributions Hispanic Americans make in shaping and enriching these United States.

MEETING PRESIDENT ALVARO URIBE OF COLOMBIA

Mr. FRIST. Mr. President, on a separate issue, I want to take the opportunity to mention a meeting I am honored to be having today with Colombian President Alvaro Uribe, who is visiting our country and who will be here with us in the U.S. Capitol. He has served as Colombia’s President since his election in 2002 and has done a remarkable job. I have had the privilege of meeting with President Uribe during visits, both here in Washington as well as on a trip that I took to Colombia in January of 2004. Throughout his term, the President has enjoyed high levels of support from the Colombian people and has earned it. He deserves it. He ran on the platform of public security and he has delivered.

Since his election, Colombia has seen significant decreases in homicides, decreases in crime, decreases in acts of terrorism. Coca and poppy cultivation have decreased by over a third while he served in office. President Uribe has worked hard to promote greater respect for the rule of law, institute judicial reform, and improve Colombia’s record on human rights.

Colombia is one of our Nation’s strongest allies and our close partnership is key to advancing U.S. interests in the Western Hemisphere. Colombia is the third most populous country in Latin America after Brazil and Mexico. Because of its size and strategic location, Colombia is a key player in regional issues. In addition, it has played an active role in multilateral institutions such as the United Nations and the Organization of American States.

The close bilateral relationship that America enjoys with Colombia centers on our efforts to counter terrorism and stop illicit drug traffic. Together, our two countries are working hard to promote stability and promote security, to promote prosperity in Colombia and the region. I look forward to discussing all of these issues with the President this afternoon.

But top of the list, we will address the President’s efforts to defeat Colombia’s insurgent groups. Three main illegal armed groups operate in Colombia: The Revolutionary Armed Forces of Colombia, FARC; the National Liberation Army, OLA; and the United Self-Defense Forces of Colombia, known as AUC. All three thrive on the illegal narcotics trade. The U.S. Secretary of State has designated all three groups as foreign terrorist organizations.

Their drug-sponsored terrorist activity has created destabilizing effects on Colombia and the region and threatens the United States. The U.S. Drug Enforcement Administration estimates that more than 80 percent of the worldwide powder cocaine supply and approximately 90 percent of the powder cocaine smuggled into the United States is produced in Colombia. Colombian producers also account for 50 percent of the heroin entering the United States. The United States spends hundreds of millions of dollars each year in Colombia to train the counternarcotics forces, shore up their civilian counterdrug efforts and help provide crop alternatives for farmers. We are getting results.

Aerial eradication alone has cut coca and poppy cultivation by a third since 2001.

Human rights is another topic that the President and I and leadership will be discussing. Members of Congress have repeatedly and rightly voiced concerns about continuing human rights violations in Colombia. FARC, ELN, and AUC are notorious culprits. I hope to learn more about how President Uribe plans to demobilize these troops and address allegations of human rights abuses within Colombia’s Armed Forces.

The United States and Colombia have worked hard to build a solid foundation for a close, cooperative relationship. I look forward to hearing the President’s ideas on how we can continue to work together on all of these issues of huge concern. I urge my colleagues in the Senate to continue to support President Uribe in his efforts, his convictions, his determination to fight the illicit drug trade, strengthen the rule of law and economic opportunity and foster peace and stability in his country and in the region.

When we strengthen the security of our neighbors, we increase our security at home. Mr. President, I suggest the absence of a quorum.

The PRESIDENT OFFICER (Ms. MURkowski). The clerk will call the roll.
The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up amendment No. 1718.

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

AMENDMENT NO. 1718

Mr. KYL. Madam 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. KYL) proposes an amendment numbered 1718.

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

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

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

Mr. KYL. Madam President, let me briefly describe what this amendment does, and I ask the representative of the minority will interpose an objection.

This is an amendment that embodies a bill to prohibit Internet gambling and permit the enforcement of that prohibition. Most States, if not all States, already have laws on the books that prohibit Internet gambling. The problem is that those bills are difficult to enforce by the individual State attorneys general because the Internet is ubiquitous—it is across the State lines—and the attorney general in Arizona can't go to Montana and enforce such prohibition in that State.

About 10 years ago, the State Attorneys General Association came before our subcommittee and asked for this Federal legislation so that there could be a national enforcement that would enable them to give force to all of the different States' laws prohibiting Internet gambling. We have worked on this now for a decade, and twice the legislation has passed the Senate. Twice the legislation has passed the House of Representatives, each time in somewhat different form. But we have never been able to get the two bodies to pass legislation in the same year in order to effectuate that.

It is very troublesome because the process by which we have to consider legislation makes it very difficult for something like this to get floor time and have a week or several days on the floor to debate back and forth, get it passed, and do the same thing with the House and then work out a conference committee and the like. That is why we have had to resort to attaching amendments to this appropriation bills or other bills that are on the floor already and moving forward so that we can gain consideration of this issue. It is not particularly conten-
society. We have a very tight bill. It is quite similar to the bill that got through the Committee on Banking last year. The various groups directly involved in this are supportive of the legislation, or at least are not in opposition.

It is time to get this done before this phenomenon explodes any further and—and I underline this—before the lobbying money of these groups defeats it again. I will not name names, but people who are today in trouble with the lobbyist partially responsible for the defeat of this legislation previously.

This kind of money should not be brought to bear as a special interest on our bodies to keep us from adopting important legislation such as this. That is why I have attempted to use the appropriations bill that is before the Senate as the vehicle to bring up this matter again. I understand from a purely technical parliamentary point of view it is incumbent upon the distinguished ranking member of the subcommittee to interpose a rule XVI objection. I understand that. I appreciate her need to maintain the committee jurisdiction and the process.

However, in conclusion we have legislated on appropriations bills in the past. So this is not something that has never been done before. I had hoped we would be permitted to do it in this case because of the importance of the issue, the fact that there is a very large number of children to get this done. It is very difficult to do it any other way. I am disappointed we are not able to do it at this time.

When the objection is interposed, I ask the Presiding Officer's indulgence to direct a brief inquiry to the ranking member of the subcommittee.

Ms. MIKULSKI. Madam President, I wish to acknowledge the validity of the fact that the Senator from Arizona has worked long and hard on this issue and sees this as a pure matter of protection issue and protection-of-our-sovereignty issue also.

Without taking any prejudice on the merits of the amendment, I have to make a point of order under rule XVI that the amendment does constitute general legislation on an appropriation bill and is not in order.

Mr. KYL. With the Presiding Officer's indulgence, I ask a question, and I appreciate that the ranking member may not know the answer to this question.

Can the ranking member advise me who it is that is requiring the imposition of this so I can speak to that Senator or those Senators to try to reach some kind of an accommodation so we can take this matter up in the future?

Ms. MIKULSKI. Madam President, I say to my friend and member of the Judiciary Committee, I do not know. I truly do not know. I do know that these parliamentary mechanisms were worked out at the leadership level.

Mr. KYL. I appreciate that. I appreciate the words of the ranking member and make this point that this will proceed in some way at some time when we find out who is making the objections, if anyone. It may simply be a procedural matter to preserve the committee's jurisdiction.

Mr. BINGAMAN. I call unanimous consent the pending amendment be set aside. The PRESIDING OFFICER. Without objection, it is so ordered.

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

Mr. BINGAMAN. Madam President, I ask unanimous consent the pending amendment be set aside. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Mrs. CLINTON, Senator DAYTON, Senator AKaka, Senator LIERBERMAN, Senator SCHUMER, Senator MURRAY, Senator LAUTenberg, and Senator COZINE, proposes an amendment numbered 1706.

Mr. BINGAMAN. Madam President, I ask unanimous consent the pending amendment be set aside.

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

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Senator AKaka, Senator CLINTON, Senator MURRAY, Senator DAYTON, Senator SCHUMER, Senator LIERBERMAN, and as I mentioned, Senators LAUTenberg and COZINE.

The purpose of the amendment is to provide some level of temporary and immediate short-term relief to local school districts and communities that have been devastated by Hurricane Katrina. With great sadness, all of us, I am sure, have watched the faces of children who have been impacted by this terrible tragedy. Some of those children have literally lost everything. They have lost their family members, they have lost their homes, their schools, and their entire communities.

Officials in the Department of Education estimate there are 330,000 children from Louisiana, Mississippi, and Alabama, who have been displaced by Hurricane Katrina. Many of these children are now homeless and have taken up residence in emergency shelters in one State or another. I am confident everyone in the Senate wants to do what is right by these children. What has happened at the State and local level is amazing to watch. The way communities have come out to assist; the way families, individuals, voluntary organizations have come to the assistance of these children. Continuing the education of these children needs to be a top priority.

Right now, there are hundreds of thousands of children from New Orleans and Gulfport and Biloxi and Pascagoula who are sitting at desks. Some of those are in Baton Rouge, some in Houston, some in Wichita, or Albuquerque, Memphis, Olympia, or even Philadelphia. These schools have not only opened their doors to these displaced children, they have also provided these students with classrooms, with teachers, with books, with equipment, and most importantly, with a quality education.

The obvious question is, What are the resources they are calling upon to do this? We know many of our school districts already face significant fiscal constraints. How can we expect these school districts to educate hundreds of thousands of additional children without additional resources?

We should act now and provide some immediate relief to assist the transition of these students into their new and, hopefully, temporary classrooms. I am, however, very concerned that some of the ideas that have been discussed, at least in news accounts, are simply contrived and could get us into a difficult circumstance in Washington.

For example, the Washington Post had an article that some believe this tragedy is a new opportunity to proceed with a large-scale voucher system and use these children to experiment on how to implement a voucher system. That would be a very unfortunate course to follow. As everyone in this Senate knows, when the subject of vouchers comes up, we have a great deal of disagreement. We should not be debating new experimental ways of providing educational assistance as part of our effort to assist these children in these circumstances.

Another example of a concern, a problem that I have seen reference to, is the suggestion in one piece of legislation that we should require these displaced students to wear identifying insignia to differentiate them from the other students in their new schools. Obviously, there are sound reasons we should not visit that kind of a requirement on these students at this point.
The officials at the State level, at the local level, and at the Federal level, are just beginning to assess the magnitude of the devastation that has been experienced. Unfortunately, we have already begun to see the extent of the damage to some of the schools in the greater New Orleans area. The New Orleans School District, in particular, has been almost completely destroyed. Many schools in the region are still completely flooded and remain underwater and will have to be rebuilt completely. The loss of lives, homes, businesses, and infrastructure is almost incalculable. Some of the communities need our help now. The first priority, not a last priority. These communities need to know now that we are willing to act to help them. It is prudent assistance to school districts experiencing unexpected increases in their student populations because of Katrina. It provides funds, grants to school districts, it facilitates the temporary placement of students in district and secondary schools within their jurisdiction, and it helps to ensure that quality instruction is available.

This is a very worthwhile amendment and one that we should adopt as part of this first appropriations bill being considered since we have returned from the August recess. I hope very much my colleagues will agree to add this to the bill.

I understand there will be a point of order raised in connection with this, but I urge my colleagues to vote with me to override that point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Madam President, I call for the regular order with respect to amendment No. 1665.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 173 TO AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1713 to amendment No. 1665.

The amendment reads as follows:

(Purpose: To provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002)

Strike all after "SEC. 522." and insert the following: "None of the funds appropriated for the Trade Promotion Authority Act of 2002 shall be available—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid trade agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fairly on a level playing field and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including dumping, and market-access barriers."

Mr. GRASSLEY. Madam President, what I have tried to do in this second-degree amendment is correct some flaws in the Dorgan amendment. My amendment is also meant to ensure that we maintain the strength of our trade remedy laws.

My amendment makes it clear that no funds may be used to negotiate trade agreements that do not enable the United States to preserve our ability to enforce vigorously our trade laws, including antidumping and safeguard laws. Quite obviously, if we have laws on our books to protect our economy from unfair competition, every Senator wants to make sure those laws are rigorously enforced, including antidumping and safeguard laws.

In addition, under my amendment, our trade negotiators must avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies. This pertains to agreements that could strengthen our trade laws, which will ensure our trade remedy laws remain strong and that U.S. workers have effective protection against unfair import competition. The underlying amendment I am amending, the Dorgan amendment No. 1665, purports to do the same thing. And it might. But it also has some very serious—and perhaps, hopefully, unintended—consequences. The Dorgan amendment says no funds may be used "to negotiate or enter into a trade agreement that modifies or amends any laws of the United States that provides safeguards from unfair foreign trade practices...."

Now, that sounds pretty good. But if you look at this amendment a little deeper, you can see that it has serious problems. Such a sweeping amendment would prohibit our negotiators from entering into trade agreements even if the trade agreement resulted in stronger trade remedy laws. For example, if we could not negotiate bilateral agricultural safeguards similar to those we have recently negotiated in our bilateral agreements with Chile and Australia—and these are only two examples—or maybe even in the plurilateral agreement, such as passed by the Senate, CAPTA—we could not negotiate plurilateral agreements such as the OECD steel negotiations that could strengthen our trade remedy laws. In the same time, the Dorgan amendment would severely hamper our ability to negotiate trade agreements that benefit U.S. exporters.

Now, that may be a well-intended position of my friend from the agricultural states of our friends and I work with him on a lot of agricultural legislation—but it is a slippery path where we cannot even discuss trade remedies even if those discussions end up strengthening some of these remedies, such as in the case of CAPTA and Australia and Chile.

It will happen that our trade partners will respond by demanding other items...
be taken off the table. In other words, once we go to the table in good faith to negotiate, and we start saying, “This is not negotiable, that is not negotiable,” then you could understand that trading partners are all going to have their pet projects off the table. If we want to nego- tiate our strong positions, as we did in the case of Australia, Chile, we could not do that. So I am trying to correct some of the inadequacies within this amendment.

Of course, when you start getting things taken off the table—the United States takes something off; the European Union takes something off; India takes something off—it has to have all items on the table in order to protect the economic interests of the United States. Particularly I found that going back to the Uruguay Round of trade negotiations, you had to have everything on the table to win any benefit for American agriculture.

The amendment by my friend from North Dakota would only serve to hamstring our negotiators, particularly if those negotiators want to strengthen our positions, as we did in Australia and Chile. And this amend- ment would be doing it at a time just as we are pushing the Europeans, we are pushing the Brazilians, we are pushing the G20 group, the G10 group—and for that matter I think we are pushing every other G-numbered group you can think of—to get some help for the American agriculture, which comes from negotiations to get down trade barriers, to get all of these groups, Eu- ropeans, Brazilians, G20, G10, G-everybody, serious and start making meaning- ful concessions in these negotia- tions, especially for the benefit of American agriculture.

Today, foreign agricultural markets are among the most protected sectors in world trade. Global tariffs on agri- culture average about 62 percent. The United States, I believe, is about 18 percent. Thus, America’s farmers and ranchers have much to gain if we can deliver a comprehensive, multilateral trade agreement that lowers tariffs across the board and forces subsidizing nations to harmonize and reduce their tariffs.

Let me quantify that: 62-percent worldwide average of tariffs up here of other countries; the United States at 11 percent down here. We bring these other goods to ours, down part way to ours; or if we bring ours down lower, as they bring theirs down lower. Common sense dictates a win-win situation for our farmers.

Because of some of these concerns as to the amendment that I have raised about maybe the inability to even strengthen some of our trade reme- dies, as we did in Australia and Chile, many groups have been concerned. This amendment by my distinguished friend from North Dakota has been before the Senate Commerce-Justice-Science appropri- ations committee. In addition, the Commerce Department, the Business Roundtable, the Coalition of Service Industries, the Comprehensive Market Access Coalition, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the U.S. Chamber of Commerce, the International Chamber of Commerce, and, lastly—and one that is very important to the upper Midwest—the Corn Refiners Association.

All of these groups I have listed have expressed their strong opposition to the Dorgan amendment and I would hope would be satisfied with the amendment I have put before the Senate.

Even more important than those who want this bill to become law, the admin- istration has weighed in strongly against the Dorgan amendment. I would like to quote from a letter I re- ceived from our Commerce Secretary, Mr. Gutiérrez, and our U.S. Trade Rep- resentative Ambassador Rob Portman: . . . Senator DORGAN’s amendment would under- mine our efforts to protect our workers and firms from unfair trade practices and to ensure fair access to foreign markets for goods and services . . . the amendment would prevent us from negotiating agreements to improve protections against unfair trade practices where the current rules may not be fully ef- fective.

Then they go on to say: The amendment could also prevent us from negotiating stronger disciplines on foreign subsidies and protections for U.S. exporters against abuses by foreign users of trade reme- dy laws.

In fact, the Secretary and the Ambas- sador feel so strongly about the damages this amendment could do, they sent a letter saying they would recommend that the President veto the Commerce-Justice-Science appropriations bill if the Dorgan amendment is included.

So, the bottom line: the choice is pretty simple. If Senators want to take away an opportunity to strengthen trade remedy laws, in effect, hamper our negotiators, and at the same time ensure a veto of this bill, a veto of a bill that is very important, then sup- port the Dorgan amendment. But if Senators want to preserve strong trade remedy laws, and even opportunities to make them stronger, and avoid a veto, then please support my second-degree amendment.

I urge my colleagues to carefully consider the stakes in this vote. I think the stakes are high. There is a way to both preserve and improve our trade remedy laws, also a way of avoid- ing a Presidential veto, and that would be voting for my amendment No. 1710, which is a second-degree amendment to the Dorgan amendment No. 1665.

I do not know whether the Senator from North Dakota intended to not give our negotiators an opportunity to strengthen trade laws, as we did in Australia and Chile, but my amendment will take care of that over- sight.

I yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro- ceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, my colleague from Iowa, Senator GRASS- LEX, has offered a second-degree amendment to the amendment I have pending dealing with our trade laws. This amendment is just fine, as far as I am concerned. I hope everyone will support it. It restates what is already in the underlying bill. It reminds me of those days when, as a young boy, I used to buy magic kits and they would have vanishing ink. You would write it and then you wouldn’t see it there was nothing there. So we have these vanishing ink amendments that mean nothing, say nothing, do nothing. I am for it. We apparently will have an op- portunity to vote on the Grassley amendment. I hope we will have side- by-side opportunities to vote on the Grassley amendment that does noth- ing, and then an amendment that does something, something that stands up for the economic interests of the Amer- ican people.

This is probably one of the only insti- tutions in the entire world in which failure is deemed a success, and the more failure, the more we ought to do of it, according to the philosophy of some here in the Senate.

This chart shows our trade deficits, the red ink. This is the record trade deficit of last year, and it is going to be higher now. This is a description of how much we are buying from abroad more than we are selling abroad and, therefore, a description of how many American jobs are being sent abroad.

What a wonderful thing that is. Does it matter? To some it doesn’t. Some think this is wonderful. They are like hogs in a corncrib; they can’t get enough of this. Why? Because as we move American jobs overseas and fire American workers and then hire work- ers in Bangladesh or Indonesia or China, and pay them 33 cents an hour to make bicycles and trinkets and trousers and shirts and shoes, and send them to the big box retailers in Amer- ica in Toledo and Los Angeles and Chi- cago and Fargo, the consumer gets to pay the same price. A Sketch for $9.99 or a shirt for $9.99.

A wonderful thing that is that the consumers get to buy a cheap shirt
made in Indonesia or China, a shirt that used to be made by an American worker who got fired. Because we buy all of that merchandise, goods and services from abroad every day, and because China ships $170 billion more of it to our country in 1 year than it buys from the United States, that means there are millions of jobs are leaving in wholesale numbers.

So this is what results, massive trade deficits, getting worse and worse, and nobody seems to care. This body, the White House, our entire Congress seems to sleep through it all. It is kind of a ‘Rip Van Winkle’ policy public strategy. Why? Because there is not one person here who is going to lose their job over it. There is not one person wearing suspenders, not one person wearing a blue suit or smoking a cigar who is going to lose their job because jobs are outsourced to Indonesia or China. It is working folks. Bob Wills of the Texas Playboys—I have quoted him often in a song from 1941 which says: The little bee sucks the blossom, the big bee gets the honey. The little guy picks the cotton, the big guy gets the money.

So it is all of this red ink for America and jobs moving overseas which is represented as red ink for America being shifted to American workers and profits to those who can pole-vault over all of those nuances in public policy, such as child labor laws, minimum wages, environmental laws, the right to organize. We have trade agreements which say nothing in this act that funds our U.S. trade ambassador’s office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The White House has issued a veto notice if my amendment should pass. Curious and strange that a provision that stands up for the economic interests of American workers and American businesses and American ranchers, the antidumping laws and so on, would trigger a threatened veto from the White House.

The Cato Institute has sent around this very premise of what I am trying to do. They demand that we get rid of these protections. Our trade negotiators have said, all right, everything is on the table to be negotiated. It should not be, and I do not agree that it should be, and so I have introduced an amendment that says nothing in this act that funds our U.S. trade ambassador’s office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The United States hopes to open foreign agricultural, nonagricultural, and service markets. To achieve those goals, it must be willing to reform its agricultural and antidumping policies. What does that mean? That means the United States must be willing to reform its policies on antidumping and agricultural policies. Interesting, is it not?

So this is what the Cato Institute is really saying: We have to get rid of these protections that exist in current law in this country to protect American workers and American business. We have to get rid of that because others do not like it, so let us negotiate it away. If it hurts farmers, so what. I mean, that is the attitude. Talk about elitists. A way of people throw around the term ‘elitists.’

If it hurts farmers and ranchers, so what; just negotiate away the protections that currently exist for farmers and ranchers in international trade, protection projections incidentally that are seldom implemented because we have trade officials who do not have a will, a backbone, or a nerve. Aside from those anatomical deficiencies, they exist in law. Now we have people who want to negotiate away the basic protections.

My colleague has come to the floor to offer a second-degree amendment, the purpose of which is to kill the basic premise of what I am trying to do. The second-degree amendment is interesting, and I was at first thinking curious, but it is not curious because it is simple. It simply restates that which is in current law. It will do nothing to change anything. What they say they are able to do in the current Doha negotiations, which is to negotiate away the basic protections that exist for our farmers, our ranchers, our businesses, and our workers.

The Cato Institute further says: If Senator Dorgan is unhappy with the final text of the Doha agreement, should it come to fruition, he can vote against its passage.

Well, one can do that for sure. The only thing one cannot do is they cannot amend it. Why? Because this Congress, with the support of Cato and the President, decided what would be smart for all of us to do is put all of us in a straitjacket and decide by broadbrush that we will give fast-track trade authority for people to negotiate—in this case in Doha—behind closed doors, in secret, and the product they bring back to this institution will not be able to be amended. We are bound to almost anything else, including nuclear arms agreements, trade agreements, no; no, because those are negotiated in secret. And when they come back, they come back under something called fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had almost this exact scenario previously. It occurred in 2002, May 14, my birthday, incidentally. We had an amendment on the floor of the Senate by Senator Dayton and Senator Craig, a bipartisan amendment, that would have done essentially the same thing. It said there is no fast-track authority for any trade agreement that could contain anything which would have negotiated away the basic protections, the antidumping laws and so on, that exist for our farmers, ranchers, and businesses. That passed with 61 votes. It was true then that I believe either Senator Grassley or Senator Bayh offered another amendment that was kind of a cover amendment, and that passed 98 to 0 because it did not particularly mean much. It set up objectives but objectives that are similar to a strainer, enough holes so that when a strainer wants to put through it, it goes through it.

So Senator Grassley now has a second-degree amendment that says: Let us all agree to that which we previously agreed to that does not do anything fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had this exact amendment previously. So sign me up. If there is a list, let me be signed up real quick to say: Let me agree to that which was previously agreed to that does nothing. And then we will have a vote on my amendment that says: Let us stand up for the economic interests of this country; let us stand up for the economic interests of businesses and workers and insist to
other countries that the right way to do trade is fair trade. If it is not fair, then every country has a right to use its remedies to address and take action against unfair trade.

I mentioned yesterday we very seldom take any kind of action under any circumstances. We do not engage in trade action. We did once against Europe recently. We slapped the Europeans with tariffs on truffles, goose liver, and Roquefort cheese. That scared the devil out of the Europeans. This big old strong country decided to take action against Europe. We are going to single out truffles, Roquefort cheese, and goose liver.

That is hardly the “John Wayne” approach to dealing with what we understand and know to be unfair trade.

This represents a crisis. This represents a real problem, and nobody seems to care very much. My amendment is an attempt to prevent further damage in the new negotiations. It is not, as the Cato Institute insists, that I do not believe in trade. I believe in expanded trade. I believe it makes sense to have expanded trade, provided it is fair. I believe trade ought to try to lift other countries up, not press American farmers and ranchers, manufacturers and farmers, our producers, to try to make us better off.

Perhaps there will come a time when we will look back and say: Why did we not understand what this meant to our country? Why did we not understand the danger that buying $2 billion a day from abroad means to the strength of our country? Why did we not do anything about it? Why did we not send a signal to the world as to where we stand? Why did we not catch it? Why did somebody not blow the whistle on it?

My hometown is 400 people, and we had a whistle similar to a lot of hometowns. We have a fire whistle, but it is also used for other purposes. Every noon, the whistle blew in my hometown. Every day at 6 the fire whistle blew in my hometown. Every day at 10 the whistle blew. We had the fire whistle blowing three times in a town of 400 people. Small towns did that to signal that it is 12. Everybody in town should know it is 12, the fire whistle is blowing. We do not have any signals around here.

I would like to see somebody blow a whistle around here at some point. When do you blow the whistle—at a $700 billion, $800 billion, $1 trillion trade deficit in history? When we are doing gymnastic exercises earlier this week because the trade deficit in the past month, I think it was announced last Friday, was only 57-plus-billion dollars in 1 single month, the fifth worst trade deficit in history, and people said: What a good thing that it actually improved a little from the month before momentarily.

My only point is, I think that those who are content to sleep through what is a growing American crisis do no favors to workers and American business and certainly do no favors to future economic opportunity in this great country of ours. This country is measured in terms of its wealth, not by what it consumes but rather by what it produces, and if we do not stand up for producers to insist and demand fair trade, yes, ranchers and farmers, manufacturers and businesses, we do not have the strength and backbone that those who feel we let people with tiny, little glasses and big degrees go halfway around the world, behind closed doors, and negotiate in secret trade agreements that continue to give us this kind of performance and make Americans worse off, and undermine American business and undermine American farmers and ranchers, then this Senate and this Congress ought to hang its head.

We can do a lot better, and should, and the place to start the first baby step, in my judgment, is to start with two things: Vote for the Grassley second-degree amendment that says we agree with which we have previously agreed and want to vote yes for some things but not for others but it does not harm anything, so we will all vote yes and then vote for the amendment that I have offered—it has been now pending for almost a week—that does stand up for this country’s economic interests. It does not impede fair trade or free trade. It demands and insists that we have the right to protect ourselves when others will use trade practices to injure our country, our workers, our manufacturers, our farmers, our ranchers. So we will vote at some point and my hope is that those who feel as I do will support the amendment I have offered for the reasons I have described. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZIGN). 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.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

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 99, nays 0, as follows:

(Rollcall Vote No. 231 Leg.)

YEA—99

Akaka       DeWine       Lieberman
Alexander   Dodd        Lincoln
Allard       Dole        Lott
Allen        Domenici      Lugar
Baucus       Dorgan       Martinez
Bell         Duren         McCain
Bennett      Ensign       McNelly
Biden        Rini          Milken
Bingaman     Feingold      Markowski
Bond         Feinstein      Murray
Boxer        Frist         Nelson (FL)
Brownback    Graham       Nelson (NE)
Bunning      Grassley      Obama
Burns        Greg          Pryor
Byrd         Hardy         Reed
Byrd         Harkin        Reid
Canwell      Hatch         Roberts
Chafee       Inhofe       Salazar
Chambliss    Inouye       Santorum
Cheney       Johnson       Sarbanes
Chenoweth    Johnson       Schumacher
Coburn       Jeffords      Sensenbrenner
Cochrane     Johnson       Sessions
Cooper       Kerry         Sheldon
Conrad        Kyi        Smith
Corbyn        Kyl        Snowe
Craig         Landrieu      Specter
Dayton       Landwasser    Stabenow
DeMint       Leahy         Stevens
              Levin        Summum
              Talent        Talent
The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

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 39, nays 60, as follows: [Rollcall Vote No. 232 Leg.]

YEAS—39

Alaska  Dodd  Leahy
Bayh  Dorgan  Levin
Biden  Bingaman  Mikulski
Boxer  Graham  Pryor
Byrd  Harkin  Reid
Chambliss  Inouye  Rockefeller
Clinton  Johnson  Salaran
Collins  Kennedy  Sarbanes
Conrad  Kohl  Shelby
Craig  Landrieu  Specer
Dayton  Lautenberg  Stabeno

NAYS—60

Alexander  Domenici  McConnell
Allard  Ensign  Markowski
Allen  Enzi  Murray
Baucus  Feingold  Nelson (FL)
Bennett  Frist  Obama
Benn  Grassley  Reed
Brownback  Gregg  Roberts
Bunning  Hagel  Santorum
Burks  Hatch  Schumer
Cantwell  Inhofe  Smith
Carper  Isakson  Specter
Chafee  Jeffords  Stevens
Cochran  Kyl  Sununu
Cochran  Lott  Thaddeus
Cornyn  Lincoln  Thune
Crapo  Lott  Vitter
Cromwell  Lugar  Voinovich
DeWine  Martinez  Warner
Dole  McCain  Wyden

NOT VOTING—1

Corzine

The amendment (No. 1655) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1719 THROUGH 1721, EN BLOC

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

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

The amendments were agreed to, as follows:

(Purpose: To provide $5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs)

On page 120, line 24, after the colon insert the following: “Provided, That $5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs.”

AMENDMENT NO. 1720

(Purpose: To provide funds for economic adjustment and development to areas impacted by Hurricane Katrina)

On page 147, line 5, strike “$233,985,000” and all that follows through line 6 and insert the following: “[provided, and insert the following: $432,093,000: Provided, That $10,000,000 shall be for salaries and expenses of carrying out section 208(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).”

On page 147, line 10, strike “$90,093,000: Provided” and insert the following: “[provided, and insert the following: $40,093,000: Provided, That $10,000,000 shall be for salaries and expenses of carrying out section 208(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): Provided further”.

AMENDMENT NO. 1721

(Purpose: To permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate)

At the appropriate place, insert the following:

SEC. 3. WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified by, or be eligible for a State in which such professional will provide health-related services, and have a valid license from, or be certified by, or be eligible for, at least one of the States adjacent to the State of the Nation's program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such professionals are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina, and
Mr. GRASSLEY. Mr. President, I rise to the occasion. This is an emergency. Let’s get this legislation passed—not only this package but the Medicaid package as well.

Again, I thank Senator GRASSLEY for working to get those holds on the bill removed so we could get this legislation passed.

I urge all of us to work together and rise to the occasion. This is an emergency. Let’s get this legislation passed—not only this package but the Medicaid package as well.

Mr. President, I thank the chairman for helping.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously, I thank Senator Baucus for the personal comment he made about my upcoming birthday. More importantly, once again, we have had such smooth working relationships on these two very important bills. Our staffs have cooperated very closely. There has been some compromise but not a lot because we think we are all going in the same direction.

Mr. President, I ask unanimous consent, pursuant to the remarks I made and the remarks Senator Baucus has made, that the Committee on Finance be discharged from further consideration of S. 1696 and that the Senate proceed to its immediate consideration.
The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1696) to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I thank Senate Finance Chairman Grassley and Ranking Member Baucus for their extraordinary work, to so expeditiously draft this important legislation in a bipartisan manner. This package will provide immediate tax relief to those directly affected by this incredible disaster.

As we have rightfully focused on rescuing, reuniting and rebuilding, we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

More than 40 percent of military reservists and National Guard members suffer pay cut when they are called to defend our Nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over 10,000 of these reservists and guardsmen are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastating. The all-volunteer Army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just can't afford it. This legislation will help businesses do the right thing. The bill will provide an employee retention credit which provides a 40 percent tax credit for wages paid up to $6,000 after August 28, 2005 and before December 31, 2005. This credit will help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed, and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

For the last couple of years, Senator Landrieu and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to employers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. I thank Chairman Grassley and Ranking Member Baucus for working with me to include wages paid to eligible reservists and guardsmen as part of the employee retention tax credit.

The Hurricane Katrina tax relief legislation helps our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

I am also pleased that this tax package has a set of provisions to encourage charitable giving. We have all been overwhelmed by the generosity and compassion of the American people, who have sacrificed their time and money, sent food and supplies south by the truckload, and even opened up their homes to strangers. This provision will make giving easier, particularly by allowing rollover contributions from IRA accounts.

This legislation is the right thing to do in the face of this disaster. It can help make sure our reservists' families don't have to sacrifice beyond their means while our brave men and women are away from home helping other families. This legislation can make it easier for the incomparable generosity of the American people to continue by easing some restrictions on charitable giving.

Again, I thank Senators Grassley and Baucus for their efforts on this package.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that the bill be held at the desk.

SECTION 1. Correction of Distribution of Obligation Authority Under Title I of Division H of Public Law 109–59

Notwithstanding section 1102(c)(4) of Public Law 109–59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 109–59; 118 Stat. 109–47; 118 Stat. 109–47, subtitle VI of title 49, United States Code, and part C of title I of division H of Public Law 108–447, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority necessary to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108–447.

The bill (H.R. 3649), as amended, was read the third time and passed.

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

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

Mr. MARTINEZ. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business.

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

Hispanic Heritage Month

Mr. MARTINEZ. Mr. President, I was honored to join Majority Leader Frist in cosponsoring S. Res. 238 recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanics that have helped shape and culture of our Nation. S. Res. 238 passed the Senate by unanimous consent today, September 15, the kickoff of a month-long celebration and observation of Hispanic-American strength and culture in this country.

Diversity truly represents the best of America, a nation where each of us can be proud of our ancestry, our heritage, and our native language, yet a nation
where we at the same time can stand together with our neighbor, regardless of our own background, and all call ourselves Americans.

Hispanic Americans have much to be proud of and much to celebrate. I have said that I am so proud to have been elected the first Cuban-American in the Senate. I feel a great weight of responsibility in representing not only the Cuban-American community and the great State of Florida but in a Hispanic-American community in our country. I know my colleague from Colorado, Senator Salazar, must feel the same weight of responsibility. I am very honored to serve in this Senate with him.

As I like to say, in America, when you work hard and play by the rules, anything is possible. This year, Judge Alberto Gonzales was sworn in as our Attorney General.

All the above is the first Hispanic American to ever serve in one of the four elite Cabinet posts in Government—Defense, Treasury, State and Attorney General, which he now proudly occupies. He is an inspiration for our next generation. The second Cuban-American to serve in the President's Cabinet also took office this year—Secretary Carlos Gutierrez at the Department of Commerce. I was proud to support both their nominations.

We have made great strides in breaking into the highest echelons of Government. And although I do not want to employ any litmus test of ethnicity, there would indeed be much to celebrate if our Supreme Court nominee became the first Hispanic-American Justice of the Supreme Court.

Hispanic pride in our heritage has helped many look to their past for strength and use this strength to forge a better future for ourselves and our families in all facets of American life. Our achievements have greatly influenced America’s policymaking, its economy, and the medical and artistic fields.

In fact, we should also point out that many Hispanic Americans proudly serve in our Armed Forces during this time of need. In fact, many have given their last measure of sacrifice, while others have suffered serious injuries.

But moving to other fields, now-deceased Cuban-American business leader and former chief executive officer of Coca-Cola Roberto Goizueta climbed the corporate ranks and helped Coca-Cola become the premier brand around the world. Nobel Prize winner Severo Ochoa discovered the process that allows humans to create RNA in a test tube.

My close and personal friend, Congresswoman Ileana Ros-Lehtinen, became the first Hispanic-American woman and first Cuban-American to be elected to the U.S. Congress. And within the artistic field, Brazilian artist Romero Britto, whose concern for the youth of the world, combined with social and political sources, has had his work appear in over 60 national and international publications.

Just like throughout the Nation, the Hispanic community within Florida continues to grow rapidly, and our creativity and ingenuity keep contributing to American culture. Hispanic American and owner of NGI Solutions, Martha Korman, is making significant economic contributions to the greater Tampa area.

Puerto Ricans, like Orange County Commissioner Mildred Fernandez, climbed the ranks and is working to encourage homeownership and growth of small businesses in the Orlando region.

Like many other Hispanics, Cuban-American Gus Machado began with nothing but a dream and dedicated himself to his business and his community, making him today the owner of the number one Ford car dealerships in the Miami area. In Jacksonville, FL, Dr. Javier Garcia-Bengochea made his mark as the innovator of several instruments and systems used to improve spinal surgeries.

And in Florida, just this week, a young man named Marco Rubio was named the first Cuban-American Speaker in the Florida House of Representatives, and, I might add, the first Hispanic-American to celebrate that he is going to be a great leader and voice for the State of Florida, and a great role model for our next generation of Hispanic Americans who want to make a difference.

We are proud to be Americans. We gladly stand together with all Americans of all races, creeds, and beliefs in this great country that we call home.

Our goal in observing Hispanic Heritage Month is not to set ourselves apart, but to ask our fellow citizens to join us in celebrating our culture, our heritage, and our achievements.

With great pride we celebrate the pioneers in our Nation and in Florida during this National Hispanic Heritage Month.

We pay tribute to America’s diversity and honor the countless contributions Hispanics have made throughout the history of this great country.

And finally, we celebrate the values of the Hispanic-American community—family, faith, liberty, love of this country and love of our roots.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. 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. MARTINEZ. Mr. President, I ask unanimous consent that I may speak as in morning business for 5 minutes.

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

HURRICANE KATRINA

Mr. MARTINEZ. Mr. President, it has been 3 weeks since Hurricane Katrina came ashore bringing with her a wide swath of damage. Her winds whipped structures to devastation, her rains destroyed thousands of agricultural crops, and, sadly, the force of this storm resulted in death.

I rise to recognize the devastation this storm brought to the State of Florida. We all know of the devastation on the Gulf Coast States of Alabama, Mississippi, and Louisiana. Before that, Katrina’s comedy and tragedy made its way to the State of Florida. Florida suffered 14 deaths and over $1 billion in damages.

The Governor declared a state of emergency and evacuations took place. As you may recall, last year, Florida was visited by four serious hurricanes. By the time Katrina hit, we already had received over 150 percent of the normal rainfall for the year. And more rain brought about a substantial amount of flooding.

Before Katrina came to Florida, we had been visited by, as I said, four hurricanes last year. Over 10 percent of Florida’s homes were damaged. The storm displaced tens of thousands of people into shelters, and today over 200,000 Floridians are still living in some form of transitional housing.

The backlog of roof repair is so severe that we are sending our children to schools that are developing mold problems. Whole sectors of our agricultural industry are destroyed, and it will take years to replant and replenish those crops.

I wish to take a few moments to mention that even though the people of my State are still recovering from the effects of Katrina and Dennis and Charley, Frances, Ivan, and Jeanne—even though folks are still living in trailers outside of their homes that have blue tarps on their roofs, Floridians are proudly pitching in to help the people on the gulf coast region.

Sarasota, FL, is sending teams of 140 trained Red Cross volunteers in 2-week cycles and in some cases longer than that. These volunteers are headed to the very areas where evacuees are streaming out. There is no power, no clean water, no hot showers. They are bringing evacuees back with them to Sarasota County—over 300 so far.

Early this week, I had occasion to visit the Red Cross center in Orlando. Over 200 people are volunteering their services there, as hundreds and expected thousands of evacuees are coming into that central Florida area, where they are finding that the hotel industry has made arrangements for them to receive temporary housing in the area of many hotels, and, at the same time, the community is pouring out their love and their care in helping find jobs and dealing with issues of physical as well as mental health, as well as incorporating children into the school system.

The Tampa Incident Management Group has sent 22 members to Hancock County, MS, where they have worked...
16-hour days for 7 days. The group included emergency management personnel, firefighters, logistical support, public information officers, police, and crisis counselors. One of the members of the Hardee County EOC, Mr. Richard Shepard, says he felt a responsibility to go to Mississippi because he needed to give something back for all the help he had received last year.

The South Florida Urban Search and Rescue Team, comprised of 80 firefighters, completed missions throughout Miami-Dade and Broward Counties, returned home after spending nearly 2 weeks helping Hurricane Katrina victims in the gulf coast.

A group of Bascom Palmer Eye Institute ophthalmologists is heading to Baton Rouge this week aboard the institute’s 40-foot Vision Van to treat displaced victims of Hurricane Katrina who have lost eyeglasses and suffered other vision problems because of the storm.

The Panama City Boatmen’s Association sent a three-truck convoy to Louisiana and Mississippi. Among the supplies: 150 cases of water, 80 cases of Gatorade, and 10 large bags of dog and cat food because the evacuees said they had nothing to eat, but their pets were literally starving.

Similar stories can be heard from throughout the State of Florida. Members of our Armed Forces and our National Guard also answered the call and sought to help. But I want to particularly talk about a Florida resident and Navy pilot. LT J.G. Bale Dalton is a member of Helicopter Sea Combat Squadron 21—the Blackjack Squadron out of San Diego. When the call came through that hurricane relief was needed, his squadron flew helicopters across the country in order to be there in time for them to help. Now his father, who is my dear and long-time friend—currently my general counsel, has allowed me to read a little bit from his communications in those first few frantic days.

Wrote LT J.G. Bale Dalton, on September 3:

My first flight into New Orleans was incredibly hectic. We went due east from Pensacola, so I was not able to see any of the Mississippi coast. The scene was chaos. Hardly anyone was able to get into the city on the ground, and the water was still rising. Helicopters from all services and even civilians were operating in the area, rescuing people and bringing food and supplies to rally points.

An airborne command and control element P-3 was taking airplanes as fast as they could, but most often they were not able to give more than a GPS coordinate and a “good luck.”

Another entry from September 3:

We were sent to a nursing home to remove what we thought Dalton, who allowed me to read a little bit from his communications, had something to eat, but their pets were literally starving.

Mr. STEVENS. Mr. President, earlier today, the Federal Communications Commission Chairman, Kevin Martin, created a new FCC bureau dedicated to public safety and homeland security functions. The new FCC bureau will be named the Public Safety and Homeland Security Bureau and will handle issues that are currently spread over several separate FCC bureaus and offices. For instance, it will handle 911 emergency calls. It will handle priority emergency services, an emergency alert system, disaster management coordination, and communications infrastructure protection.

In this generation relied on radio. Now all of us have different forms of communications. But there was no uniform communication mechanism such as radio was back in the 1930s or 1940s. Chairman Martin’s reorganization recognizes the change in the technologies that can be used for emergency communications.

I commend the FCC, under Chairman Martin, for its leadership in directing the Universal Service Program to play a significant role in rebuilding the communications infrastructure, something that they have announced today also. Since its inception, the focus of the Universal Service Program has been on ensuring that all Americans are connected and able to communicate. As the citizens of Louisiana and Mississippi rebuild and return to their homes, they need to know that they can pick up their phones and make a call, which is why we have universal service. The steps that the FCC announced today, giving priority to rebuing activities using universal service funds will help both in the short and long term.

The FCC is using these universal service funds temporarily to support wireless handsets, cut the back-to-backage of free minutes for evacuees and people still in the affected area that are without telephone service. The FCC is also helping health care providers and the Red Cross shelters by modifying the health care program to double discounts for public and nonprofit health care providers. The FCC is allowing health care providers to submit new or revised universal support applications—requests for the money—for 2005, since their needs have obviously changed.

On the rebuilding front, universal service will help schools reconnect to the Internet, consumers reconnect to

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No rest for the weary. After returning to work with about five hours of rest (not sleep, just time from landing to briefing again) we again began to build a picture of what was going on.

People that had been stranded since the day the storm hit were beginning to come out of the woodwork. It was obvious that the first priority was to save people from the rising tides.

I went back into New Orleans later that day with a mission to find fire buckets and begin putting out fires.

Here is another entry from later that day:

We attempted to hoist people from an apartment complex into our helicopter, but were refused when they saw an ambulance a few blocks away that they were going to try to swim to.

Hard to understand for me, but I am sure the thought of being hoisted up on a wire to a helicopter is a scary prospect for most people. We moved from that area to an affected area in the northern part of the city to begin evacuating another group of people gathered by the police. We landed on a tennis court to get these people. They had not had food or water for five days.

I could go on and on with stories of Floridians helping out in the gulf coast, providing relief, aid, assistance, and, as you heard in the case of Navy LT J.G. Bale Dalton, people from the rising tides. But dramatic as these stories are, they are not unusual. This is what America is all about. If there is a need, Americans are there to help.

Given the impact of the stories and images of the devastation, I understand how our hearts and minds are turned to these current problems. But I am humbly here to ask that we simply do not overlook the fact that there has been a lot of suffering in Florida, that we, too, have suffered significant losses as a result of four very difficult hurricanes last year—an unprecedented number of major hurricanes to hit, crisscrossing the State of Florida—only to be revisited again by both DeSoto and Katrina this year. The extent of hurricane damage from last year was severe. In fact, we continue to try to dig out from under it.

Affordable long-term housing is one of the serious problems we are facing in Florida not only because of so much housing stock, particularly the affordable type, that was damaged last year, but now with the influx of evacuees into the State, some real long-term problems are beginning to present themselves. As the President, the Head of Agriculture and Agriculture Secretary Mike Johanns, I have talked with FEMA and my colleagues in the Senate. We have received some measure of assistance, but we must continue to look forward to the time when all Floridians will be made whole and when life will begin to be normal again for all Floridians.

Katrina did pay us a devastating visit in the early part of that storm. So while we continue to pour our hearts out to those in the gulf coast, I do have to hand it to the people of Florida that will not be forgotten, as we seek to make all of the necessary decisions for the relief and recovery not only short term and medium term, but where Florida is now in the long term, when the needs of long-term housing, the needs of long-term health care problems, the needs of reconstruction of public facilities, such as schools, become all the more necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.
Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a vote on or in relation to Snowe-Kerry amendment No. 1717, with no second-degree amendments in order prior to the vote.

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

Mr. SHELBY. For the information of my colleagues, we are now down to one or two outstanding issues. That is good news in the Senate on a Thursday afternoon. During the next vote, we will try to finalize those amendments. Senator Mikulski and I, the managers of the bill, have been working with everybody in the Senate to try to move the bill forward. It is our expectation that we will quickly proceed to passage of the bill. I, therefore, alert all Senators now that they should remain close to the Chamber, following this upcoming vote, hopefully for final passage.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, once again, we are coming now to the final aspects of this bill. We have been able to achieve this because of outstanding bipartisan support that existed between Senator SHELBY, myself, and our staffs. We want to thank them for doing that. I will thank them as we go into wrapup.

Our colleagues, we thank them again for their cooperation in moving the amendments, working on a bipartisan basis. And now as we go to the Snowe-Kerry amendment and the vote, we ask Senators who have those outstanding amendments to consult with the floor and leadership staff, and ourselves as well, because we think we could have a vote—not promptly but expeditiously—after the conclusion of the Snowe-Kerry amendment.

Again, I say to my colleagues to come vote, stick together, and we can finish our bill. People need this bill. It funds the FBI. It funds Katrina help. It funds the methamphetamine help about which we have been talking, and our very important Weather Service. There are so many provisions in it.

I yield the floor and look forward to the vote.

AMENDMENT NO. 1717

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded as follows:

The Senator from Alabama (Mr. Shelby), for Ms. Snowe, for herself, Mr. Kerry, Mr. Vitter, Ms. Landrieu, and Mr. Talent, proposes an amendment numbered 1717.

(The amendment is printed in the RECORD of Thursday, September 14, 2005, under “Text of Amendments.”)

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1717.
The clerk will call the roll.
The legislative clerk called the roll.
Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea.

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

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?
The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 233 Leg.]

**YEAS—96**

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Boozman
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Coryn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Dominici
Dodd
Dorgan
McConnell
Duncan
Mikulski
Ensign
Murkowski
Ratz
Murray
Feinstein
Nelson (FL)
Nelson (NE)
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Obama
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YEAS—96

Akaka
Alexander
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Frist
Feinstein
Domenici

**NOT VOTING—4**

Corzine
Lott
Vitter

The amendment (No. 1717) was agreed to.

Mr. SHELY. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.
The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, the pending business, I believe, is my original amendment, that correct?
The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, let me say quickly I thank my colleagues, and I thank Senators Snowe and Landrieu and Vitter for their work on this amendment. I think the Senate has made a very important statement today about what can be done and what we need to do to respond immediately to the small business needs with respect to Katrina and people impacted across the country.

This amendment details virtually everything in the Kerry-Landrieu amendment, from disaster loan deferments to financial assistance for small businesses and farmers struggling to afford the high prices of gasoline, natural gas, and heating oil. It expands on assistance to small businesses that have SBA 7(a) loans, for those who will need it. It includes agreed upon language to make sure the money is appropriated to carry out the assistance. And it retains a critical grant program to the states to get money directly into the hands of small businesses that need immediate access to capital to stay afloat until they get other more comprehensive loans or insurance reimbursements.

For all the small businesses will do, I am disappointed that two very important provisions were not included. I am against taking out the funding for the Federal government’s largest small business loan program, the 7(a) Loan Guarantee Program, that would reduce fees on borrowers and lenders. Even before the destruction of Hurricane Katrina and its impact on our economy, small businesses were struggling with higher insurance premiums, higher energy prices, and higher prices for capital because of rising interest rates. We should not be adding to their expenses by raising loan fees.

As I said yesterday, according to a document from the Small Business Administration, since the Administration raised fees in that program, loans to Hispanics have declined by 14 percent. With Katrina causing problems well beyond the state lines of Louisiana, Mississippi, Alabama, Florida, and Texas, those small businesses need relief too. We asked our colleagues, at the very least, to include language that would reduce fees if the SBA overcharges borrowers or lenders, or if there are excess appropriations that we did not agree. They also eliminated the provision that directed the SBA to assume payments for SBA 7(a) and 504 loans that victims had before the Hurricane but cannot now pay. To help these business owners make it and to avoid defaults or worse, it is my hope that these small businesses will make use of the provision we put in the amendment that allows them to refinance existing business debt with low-cost SBA disaster loans.

Hopefully, because this bill may well be tied up for a period of time, it may be possible to break this amendment out and add to it a couple of components that we need today. We hope to do that. We obviously will work with both sides to do it in the same bipartisan fashion.

This morning Senator Landrieu and I met with some of the top members of the Congress of New Orleans. They are very afraid for those small businesses that have to lease, contract, move, and they are afraid of losing for a long period of time, if not forever, the small business base of their community. With the Senate has done today is to address that need in a very realistic and helpful way. I thank my colleagues for doing so.

With that stated, my original amendment, which we now combined into this, is no longer necessary. I ask unanimous consent it be withdrawn.

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

Mr. KERRY. I yield the floor, but first let me thank Senator Mikulski and Senator Shelby also for their long forbearance in this effort. I appreciate it.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1678

Mr. LIEBERMAN. Mr. President, I call up my amendment if it has not already been placed in order. It is amendment No. 1678.

The PRESIDING OFFICER. Amendment No. 1678 is the regular order.

Mr. LIEBERMAN. This amendment is an attempt to apply an offer of financial relief to victims of Hurricane Katrina in very personal ways to answer the questions that hundreds of thousands of people in the Gulf Coast region are now asking themselves, by extending current programs or creating a couple of new ones.

Let me be more specific. This amendment would say to folks who suffered this hardship that they can meet their immediate needs for housing and other assistance because we are going to waive the caps and State cost-sharing requirements under the Stafford Program. It would allow survivors of Katrina to cover rent or mortgage payments, if they are suffering financial hardship; that is, by reinstatement of the mortgage or rental program. It would extend the time that these people can apply for unemployment insurance to 90 days. It would impose a moratorium on obligations for paying student loans and other payments on Federal loans in the immediate aftermath of a hurricane. It would authorize people to take money out of their retirement plans to keep themselves going without having to pay a penalty. And it would extend and expand eligibility for food stamps and WIC programs.

Finally, for victims of Hurricane Katrina and survivors living in the area of hardship, it would extend the bankruptcy protections under current law that would otherwise soon go out of effect with the adoption of the recent Bankruptcy Act. This is the stuff of enabling people to put their lives back together. It is very human, it is very personal, it is real, and it is very urgently needed.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1706, WITHDRAWN

Ms. MUKULSKI. Mr. President, before we move to the vote on the amendment of the Senator from Connecticut, I ask unanimous consent to withdraw Bingaman amendment No. 1706.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.
Ms. MIKULSKI. I thank the Chair. I ask for regular order.

AMENDMENT NO. 1784

Mr. ENSIGN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The pending question is on Lieberman amendment No. 1784.

Mr. LIEBERMAN. Mr. President, pursuant to the notice properly filed, I move that the rule with respect to this amendment, No. 1678, 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. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NO. 1725, AS MODIFIED, AND

AMENDMENT NO. 1725

Mr. SHELBY. Mr. President, we have three additional amendments that have been cleared on both sides of the aisle. I send those amendments to the desk, and I understand this consent that the amendments be considered and agreed to, and the motion to reconsider be laid upon the table. This has been cleared with the distinguished Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have no objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1784

(Purpose: To extend the provisions an expiring provision of the Universal Service Antideficiency Temporary Suspension Act)

At the appropriate place, insert the following:

SEC. ———. EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2005,” each place it appears and inserting “December 31, 2006.”

AMENDMENT NO. 1724, AS MODIFIED

(Purpose: To reduce fees on loans to small businesses)

At the end of title V, add the following:

SEC. 51. SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(1) IN GENERAL.—Subject to clauses (ii) and (iii)——

“(I) the Administrator may reduce fees paid by small business borrowers and lenders under this paragraph (I) through (iv) of paragraph (A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATION.—A reduction in fees under clause (I) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection are at least 20 percent higher than any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”.

AMENDMENT NO. 1725

(Purpose: To provide additional funding for the Federal Bureau of Investigation for processing background checks for petitions and applications pending before U.S. Citizenship and Immigration Services)

On page 121, line 19, after the semicolon insert——

“of which not less than $1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services.”

Ms. SNOWE. Mr. President, I rise today along with Senator INOUYE, cochairman of the Committee on Commerce, Science & Transportation, to discuss amendment to safeguard the Universal Service Fund, or USF, the institution that allows low-income Americans to obtain affordable telephone service, allows America’s schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this amendment today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

Before I go into the merits of the amendment, I want to assure my colleagues that this amendment touches upon an issue that has been in discussion for several months. It is almost identical to legislation, S. 241, which I introduced early in the 109th Congress along with Senator ROCKERFELLER and the chairman and cochairman of the Commerce, Science and Transportation Committee, Senators STEVENS and INOUYE. A total of 41 cosponsors are on the bill today. Countless telecommunications companies and educational organizations have also endorsed the bill. Moreover, the Senate Commerce Committee held a hearing this spring to discuss the need for such legislation.

I stand before you today offering this amendment because our time is running out. As I will explain more in a moment, the exemption of the Universal Service Fund from the Anti-Deficiency Act is about to expire. If it is not extended soon, the programs supported by the Universal Service Fund will be in jeopardy.

The amendment today pertains specifically to the Universal Service Administration Company, or USAC, the private, nonprofit corporation that Congress created to administer the USF. Both this amendment and S. 241 are very similar to S. 2994, a bill that I introduced during the 108th Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from arbitrarily imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers’ telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC’s Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the Federal Anti-Deficiency Act, a law which prevents Government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more or less monthly basis, derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last year, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections. A fact that had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for 1 year until a permanent solution to this problem was found. Senator ROCKERFELLER and I decided to pursue a 1-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding and today’s legislation makes a second extension of the exemption until a permanent solution is found.

Clear precedent exists for such an exemption. Numerous other Federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate because the USF has a funding mechanism different from most Federal programs. The USF functioned very well for many
years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to graft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another baggage in E-Rate, and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers’ telephone bills.

Last year we undertook a bipartisan effort among members on the committee in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. The temporary extension that we worked so hard to pass has almost expired. We must extend the exemption I motion so that the Universal Service Fund can continue to support rural consumers, schools, libraries, hospitals and low-income households.

Mr. SHELBY. Mr. President, I further ask unanimous consent that following the disposition of the Lieberman amendment, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; provided further that the amendment to the title then be agreed to, the Senate then insinuates the amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that following the first vote there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, I want to thank Senator SHELBY and his staff for all the many courtesies. It has been an outstanding way to move this bill.

I do not object to the Senator’s request.

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

The question is on agreeing to the motion to suspend the rules for the consideration of amendment No 1678. The yeas and nays have been ordered.

The yeas and nays resulted—yeas 43, nays 52, as follows:

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<td>McCabe</td>
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The PRESIDING OFFICER. The yeas and nays result—yeas 43, nays 52, as follows:

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<th>Yeas</th>
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The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays result—yeas 43, nays 52, as follows:

Rollecall Vote No. 254 Leg.

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The The PRESIDING OFFICER. On this vote, the ayes are 43, the nays are 52. Two-thirds of the Senators voting, not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The order of the day is sustained and the amendment falls.

Mr. SHELBY. 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.

CSTARS

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami. The Senator from Florida has been a leader on this issue. While in these tight budget times, we are unable to fund every worthy program, I will continue to work with him to ensure that our Nation has the very best research available to understand hurricanes and other environmental concerns.

Mr. NELSON of Florida. I thank the Senator from Maryland for her knowledge of this issue and her readiness to work with me on it.

virginia key marine life science building

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami. We are the home of two important NOAA programs dealing with the oceans and fisheries and the home to the University of Miami Rosentiel School of Marine and Atmospheric Science. Because of their proximity, overlap in focus, and the quality of the research at both NOAA and the Rosentiel School, the two have developed a close, mutually beneficial working relationship.

As the Rosentiel School has grown in prominence it has also grown in size to over 500 professors, graduate students, researchers and staff, and can no longer fit in its current facilities. The school had considered relocating, but moving away from Virginia Key would weaken the relationship between it and NOAA. That is why last year Congress found it appropriate to pass a bill authorizing NOAA to grant land to the University of Miami to construct a new Marine Life Science Center in Virginia Key.

This new center would be home to both the Rosentiel School and NOAA staff, allowing their collaboration to continue and to grow. The research performed on marine habitats, fishery
economics, ocean chemistry and tropical meteorology will be brought together in a modern facility where it can be presented and shared.

Currently, planning is underway to develop this center, and I believe we should insist NOAA and the University of Miami with the design and schematic plans of this joint facility. Once design plans are in place, the University of Miami plans to finance the building construction through non-Federal funds. Once completed, up to 50 percent of the space will be used by NOAA.

Ms. MIKULSKI. It is wonderful to see collaboration between the Federal Government and our Nation's top universities, and we should support those efforts whenever possible. In these tight budget times, it is difficult to fund every deserving project such as this one. I will work with the Senator from Florida so that we can find ways to further those efforts.

Mr. NELSON of Florida. I thank the Senator from Maryland for her assistance and I look forward to working with her.

PROJECT SAFE NEIGHBORHOODS

Mr. CORNYN. Mr. President, I rise today to strongly support the remarkable crime-prevention results from the President's Project Safe Neighborhoods initiative. We must ensure that adequate appropriations continue to fully support this productive crime-fighting effort.

I am concerned that the appropriations bill we are considering today makes no provision for the State and local grant program of Project Safe Neighborhoods, an important component of the President's initiative, and I am not alone. A number of our colleagues share my concern that this important program for fighting crime in our streets and in our neighborhoods should be funded adequately.

I ask my friend from Alabama, Senator Sessions, joins me today. Does the Senator share this concern?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas. In Alabama, we have enjoyed great successes from the implementation of Project Safe Neighborhoods and its State and local grant program, for which full funding is important. What would represent sufficient funding for this important program?

Mr. CORNYN. The President requested in his budget $73,800,000 for State and local grants. And according to the Department of Justice, in order for Project Safe Neighborhoods to continue as a flagship gun crime reduction initiative, the $73.8 million dedicated to the Project Safe Neighborhoods State and local grant program, is essential.

The State and local grants are critical to the success of the President's Project Safe Neighborhoods program. The grants support the removal from our streets and our neighborhoods of these criminals who use guns to carry out their crimes.

Indeed, the first program of its kind saw enormous success in Richmond, VA, where crime was significantly reduced. Gun crime prosecutions increased substantially.

When I was Attorney General of Texas, I joined with then-Governor Bush to launch Texas Exile, modeled after Richmond's Project Exile. This Texas program also met with extraordinary success, providing local prosecutors the funds necessary to get more than 2,000 guns off the streets, and to issue more than 1,500 indictments for gun crimes. This resulted in almost 1,200 convictions during the first 3 years of the program's existence.

When President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. He launched the Project Exile program nationwide, immediately, with desperately needed resources to combat gun-related crimes to jurisdictions throughout our country.

In the short time this initiative has been up and running, the results have been astonishing. Project Safe Neighborhoods has enjoyed significant successes, isn't that right?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their concerns from the President's Project Safe Neighborhoods program.

felonies through the Federal court system if found in possession of a gun, or in possession of a gun during violent or drug trafficking crimes. If charged at the State level, a convicted felon would likely be charged with a misdemeanor if found in possession of a gun.

And the results have been exceptional. As I said, Alabama ICE was first implemented in Alabama in April 2002. During the first 11 months of 2003, the number of violent crimes in Montgomery showed significant decreases. Homicides dropped 45 percent, robberies 10 percent, aggravated assaults 16 percent, and domestic violence aggravated assaults 43 percent.

I know the Senator must have countless examples from his home State of Texas; isn't that right?

Mr. CORNYN. Examples from my home State of Texas clearly demonstrate that Project Safe Neighborhoods is working. Consider:

Upon launching the Northern District of Texas has shown a 31 percent increase in the number of Federal gun cases opened in 2004 over 2003. The Project Safe Neighborhoods Task Force continues to work harmoniously and effectively in contributing to the reduction of gun-related crimes and in the targeted neighborhoods.

PSN prosecutions in the Northern District of Texas have targeted some of the worst gun offenders, and have resulted in safer neighborhoods within the district. For example, in August 2002, the Dallas Division coordinated a long-term gang investigation under the PSN Program with the ATF and the Dallas Police Department. The investigation resulted in two separate indictments charging 18 gang members with being involved in a drug trafficking conspiracy, crack cocaine, along with other street gang members.

And the efforts of the Western District of Texas to energize Project Safe Neighborhoods through effective partnering with State and local law enforcement are demonstrated most clearly by their impressive prosecution statistics. They have seen a 74 percent increase in prosecutions from fiscal year 2000 to fiscal year 2004, and a 13 percent increase in the past fiscal year. That is why I am so concerned that there was no funding included in this appropriations bill. While I appreciate any effort this body might take to bolster the fiscal discipline or the efficacy of choosing to eliminate a program that is saving thousands of lives nationwide as opposed to many other less critical projects and programs.

I am pleased the senior Senator from Alabama, who has been working so hard on this Commerce-Justice-Science appropriations bill is here with us. I ask Senator SHELBY, is this something that he believes we can work to resolve in conference given the difficulty in many of these budgets?

Mr. SHELBY. I would like to thank the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their
concerns. This program, as with many programs for which we struggle to find adequate funding, is important. This program received no appropriation in the fiscal year 2005 conference report. I understand related funding has been appropriated in the House CJS bill, and I will work to address the concerns of my colleagues as the appropriations process moves forward.

Mr. SESSIONS. I would like to thank my friend from Alabama and I offer any assurance that I or my staff can give you work on this important issue for us.

Mr. CORNYN. I would like to thank my colleagues. The Project Safe Neighborhoods program serves as a model of coordinated Government efforts, with Federal, State and local governments sharing the burden of prosecuting criminals and coordinating their resources to do so. At a time when some Federal agencies are struggling to coordinate efficiently with State and local governments, the Project Safe Neighborhoods program serves as a model of efficiency and effectiveness. I appreciate that Senator SHELBY points out that the State and local grant program received no appropriation in fiscal year 2005, an unfortunate reality that gives me even greater concern about the future of the Project Safe Neighborhoods program. It is now even more critical that in conference we find the funds necessary to continue this program, which so clearly has reduced rates of violent crime and victimization across our country.

NATIONAL WATERBORNE DISEASE RECOGNITION AND DISASTER PREPAREDNESS PROGRAM

Mr. SCHUMER. Mr. President. I rise today to engage my friend, the Senator from Maryland who serves as the ranking member of the newly formed appropriations subcommittee on Commerce, Justice, and Science, in a colloquy regarding a program of national importance. Its inclusion in the fiscal year 2006 CJS appropriations bill. I thank my friend for her service in this body and for her tireless and passionate work on this bill. I particularly want to thank her for showing support for several projects of significant importance to New York State. The aftermath of Hurricane Katrina has left much of the gulf region under toxic floodwaters. I would like to secure funding for a National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center in Elmira, NY. This waterborne disease recognition program has been funded by the EPA for the past 3 years but was not included in the President’s fiscal year 2006 budget. Funding for this important program through NOAA will be essential for ongoing disaster relief efforts in the gulf region, as well as preparedness efforts for future natural disasters or water terrorism events. It is my understanding that there will be long-term medical and public health challenges ahead for the gulf region resulting from the massive water contamination event associated with Katrina. The medical risks for the Gulf residents and first responders will include gastrointestinal syndromes resulting from waterborne exposure to biological agents such as Hepatitis A, E. coli from local contamination, and waterborne parasites. Exposed to a diverse array of toxic chemical contaminants from industrial sites, oil and gas installations, and household chemicals may lead to long-term health effects yet to be determined.

Ms. MIKULSKI. Let me be clear, I am absolutely opposed to efforts to privatize the weather service. The National Weather Service must continue to provide forecasts and warnings through its website and other sources without limitation. The National Weather Service provides critical information to our citizens and saves lives and livelihoods and it must continue to do so.

NATIONAL SCIENCE FOUNDATION

Mr. ENNSIGN. Mr. President, as a fiscal conservative there are very few areas in which I believe Federal funding should be increased. One of those few areas, however, is that of the National Science Foundation.

Funding of the National Science Foundation should be a national priority.

Congress established the National Science Foundation in 1950 with the mission of stimulating basic research, "to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense." In this capacity, NSF plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our Nation.

Basic research supported by NSF in chemistry, physics, nanotechnology, genomics, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years. For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Research supported by NSF accounts for approximately 40 percent of non-life-sciences basic research at U.S. academic institutions while representing less than 4 percent of the Federal funding for R&D. Support for NSF’s efforts to fund basic research is particularly important due to the impact of such research on innovation and global competitiveness.
To remain globally competitive in the 21st century, the United States must continue to lead the world’s innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages and a higher standard of living. With innovation, the key to the future, basic research is the key to future innovation. And today, the future of basic research appears vulnerable.

Over the last 30 years, Federal funding for basic research has remained flat in constant dollars and decreased by 37 percent as a share of GDP. Especially given increased competition from nations like China and India, failure to support the NSF and basic research creates a serious long-term risk for our nation. U.S. competitiveness in global markets and the creation of good jobs at home rely increasingly on the cutting edge innovation that stems from high-risk basic research. U.S. technological leadership, innovation, and jobs of tomorrow require a commitment to basic research funding today.

Congress approved and President Bush signed the National Science Foundation Authorization Act of 2002. That Act authorized funding for NSF at appropriate levels, but funding for NSF has consistently lagged behind the amounts authorized. In fiscal year 2005, NSF received funding that was approximately $2 billion less than authorized. In fiscal year 2006, we are considering funding NSF at levels approximately $3 billion less than authorized.

As we consider funding priorities on the CJS bill and in the future, I urge the chairman, ranking member, and my fellow colleagues to make it a priority to fund NSF and to support increased basic research.

Mr. SHELBY. Mr. President, I thank my colleague from Nevada and recognize the importance of the basic research conducted through NSF. I share his interest in basic research funding and look forward to working with him to strengthen our Nation’s capabilities through basic research.

Mr. ENNSON. I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting the basic research done at NSF in our country.

STEM EDUCATION FUNDING

Mr. SHELBY. Mr. President, I am deeply concerned about the status of science education funding in the Commerce, Justice, and Science appropriations bill. I commend Chairman SHELBY and Ranking Member MIKULSKI of the Commerce, Justice, and Science Appropriations Subcommittee for their hard work on this bill. With full recognition of the challenging task they have faced in ensuring adequate funding for so many needed projects, I am compelled to take a moment to address a growing crisis in America.

The educational programs for the STEM disciplines—science, technology, engineering, and mathematics—are essential for America’s future competitiveness and are severely underfunded. As a result, America’s STEM education is falling behind. United States international test scores in science and mathematics remain unacceptably low. Countries such as France, the Netherlands, and Asia are investing crucial resources into their own research and education infrastructure to ensure future world market success. These factors combine to make American businesses more competitive overseas, outsourcing our jobs and our competitiveness.

This problem is multi-faceted. We have to provide today’s teachers with the skills and materials they need to teach these disciplines well. We have to attract new teachers to the field—the teachers of tomorrow. We have to research ways to teach science and math to find out how this material is best presented. These fields are best promoted. It is in the best interest of our Nation to address each of these issues and it will require a greater investment on the part of our Federal Government.

Unfortunately, in too many ways, we seem to be pointed in exactly the wrong direction. I find it especially troubling that the National Science Foundation’s Education and Human Resources Directorate has seen significant setbacks in the fiscal year 2006 proposed budget. The Math and Science Partnership Program, which awards competitive grants to build a bridge between higher education and science, and engineering educators has achieved excellent results and has endeavored to improve learning in mathematics and science for all K–12 students. For fiscal year 2006, we are seeing this highly successful program slowly phased out of NSF. I would like to thank the chairman and ranking member of the committee for providing an additional $4 million above the request by the President, but also note that in the past 2 years more money has been cut from this program has been cut, from $139 million 2004 to the $64 million proposed in this bill for fiscal year 2006.

Furthermore, the Research, Evaluation, and Communication, REC, division, which works to increase the number of students obtaining college degrees in STEM and to support educational research projects on college degree attainment in STEM, has also been cut. Results from REC research that address unique problems of each STEM discipline have led to teaching methods that more than double the information learned and retained by our college students when compared with traditional methods. But REC has been cut from $60 million in 2004 to a mere $33.8 million in this proposal. These are just a few examples, but it is not the entire story. Taken as a whole these cuts are extremely troubling because they will have long-lasting impacts.

I ask that both the chairman and the ranking member of the Commerce, Justice and Science Appropriations Committee work to protect and increase STEM education funding in conference. This is not a partisan issue. It is the future of our country and the success of our children that concerns me, and I trust our colleagues as well.

Ms. MIKULSKI. Mr. President, I share the views of my colleague from Colorado. Money is tight, but our future competitiveness as a nation hangs on our ability to educate our future scientists and engineers. It is important to make sure that we encourage our children to take interest in science, technology, engineering and math. It is important to make sure we provide our teachers with the appropriate tools and training so our children will keep that interest. And it is important to research how our students learn science, and to research the best ways to teach them these disciplines.

I would like to see science education funding returned to at least last year’s levels and will work toward that goal in conference.

I respectfully join the Senator from Colorado and also ask the Chairman of the Commerce, Justice, Science and Related Agencies Appropriations Committee to help me reach that goal.

Mr. SHELBY. Mr. President, I thank my colleagues from Colorado and Maryland and recognize the importance of their interest in funding science education. I share their interest in supporting education funding at NSF and will work to find opportunities for science education funding during conference.

Mr. SALAZAR. Mr. President, I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting and improving science education funding in our country.

AERONAUTICS FUNDING

Mr. ALLEN. Mr. President, I would like to engage my colleague, Chairman SHELBY in a colloquy on the state of our government’s funding for aeronautics research and development and the importance of the discipline to our Nation’s national security and economic competitiveness.

Mr. SHELBY. Mr. President, I would be happy to do so.

Mr. ALLEN. As my colleague from Alabama may know, aeronautics research is NASA’s major role in our country’s unrivaled military air power and until recently, our dominance of the commercial aviation market. Specifically, NASA engineers have developed innovations such as shaping for stealth, multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology. These breakthroughs have contributed to American security and economic prosperity.

Mr. SHELBY. Mr. President, I understand Senator ALLEN has had a long-
time interest in this issue and appreciate the point he is making with regard to the benefit of aeronautics research and development to our national defense and our economy.

Mr. ALLEN. I thank my colleague and colleague from Arkansas who argue that aeronautics is a vital and important science to our country. The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35 percent higher than the average income in the U.S. workforce. Furthermore, despite a recent decline in the market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade.

Mr. SHELBY. I would tell my colleague I agree that we must find ways to support sciences and disciplines that contribute positively to the United States trade relationship with its partners.

Mr. ALLEN. Yet, even as our national security and economy are dependent on the breakthroughs in aeronautic research and developments, in recent years, NASA has significantly reduced its investment in this vital science. The administration's 2006 budget proposed a $700 million cut out of NASA's aeronautics budget over the next 5 years. That will reduce the effective levels of NASA's aeronautic investment to about half the level it is today—and today's level is about half the level which existed—adjusted for inflation—that the U.S. made just a decade ago.

Moreover, the President's budget called for eliminating NASA's entire "vehicle systems" program—the very initiative that over the last five decades has provided major technology advances that have been used on every major civil and military aircraft over that period of time.

The last two administrations have consistently reduced NASA's aeronautics funding and allowed a valuable competency and the human resource to atrophy and now the U.S. is second to the Europeans in aircraft sales.

I would like to point out that there have been a number of well researched, thoughtful reports on the importance of aeronautics research to our economic and national security. The National Institute of Aerospace recently released a comprehensive study that outlines the funding requirements to meet the challenges we face from foreign competition and realize the innovations and breakthroughs of the future. Specifically, the report finds that NASA's aeronautics budget requires an average 5-year increase of $885.5 million over the fiscal year 2005 levels. This proposed budget would bring NASA's aeronautics programs back to 1998 levels when factoring inflation. Further, the NIA report finds that NASA is uniquely suited to carry out this work, given its infrastructure and world-class. Importantly, the report follows by noting that the outcome of aeronautics research adds to the nation's wealth, not to any particular aviation company.

I understand we are not going to make those types of commitments in the fiscal year 2005 Commerce, Justice and Science Appropriations bill. However, the House version of this measure includes some additional funding for aeronautics programs within NASA. The House provision would appropriate $54 million above what the President requested in his fiscal year 2006 budget recommendation to the Congress. This relative small increase would maintain aeronautics funding at levels appropriated in fiscal year 2005.

Mr. SHELBY. Mr. President, I am aware that our House counterparts have appropriated funding for NASA aeronautics programs at the fiscal year 2005 levels.

Mr. ALLEN. I would respectfully request that Chairman SHELBY and the other Senate conferees to this bill give due consideration to the arguments made today to the possibility of adhering to the House provision on fiscal year 2006 for NASA's aeronautics programs.

Mr. SHELBY. I say to Senator ALLEN that I will give every consideration to his request when we begin conferencing this bill.

Mr. ALLEN. I offer my sincere appreciation for Chairman SHELBY's willingness to work with me on this issue which is vitally important for America's security and leadership in aeronautics innovation. He has been accommodating to my concerns and creative in trying to find a way to address our country's aeronautics needs for the coming fiscal year.

Mr. SHELBY. I thank my colleague for his interest in this legislation and his work on this issue.

Mr. ALLEN. Thank you Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to offer a few observations with respect to the S.334 in way that does not create any risk to states grappling with Medicaid drug costs.

One of yesterday's headlines was that the cost of health insurance for working Americans climbed 9.2 percent this year, far outpacing both general inflation and workers' pay increases, according to a national survey by the Kaiser Family Foundation.

On average, health insurance for a family cost $10,880 this year, with the employer paying $8,167 and the worker $2,713, the survey found. The total cost almost exactly matches the total annual earnings of a person working full time at the minimum wage, the survey noted.

One of the key drivers of health care cost is the cost of prescription drugs. Rising drug costs place a huge financial burden on all Americans: from our senior citizens on fixed incomes, to working families without insurance, to small businesses with high health plan costs, to states grappling with Medicaid drug costs. In April of this year, AARP reported last week that wholesale prescription drug costs rose an average of 7.1 percent last year. There is no way that our health system, our citizens, our government, and our taxpayers can continue to endure these increases year after year.
And these rising costs have an enormous health consequence for us, too. Prescription drugs are not like other products. They can do wonderful and amazing things but only if you can afford them. We might be able to make do and buy the cheaper pair of shoes, but we cannot off our medicine.

Because my home State borders Canada, I know what a difference re-importation has on people’s lives. For years, I have heard from Michiganians on their bus trips to Canada for medicine. What I discovered on my bus trips was almost unbelievable. Across Michigan’s three bridges to Canada, my constituents have been able to purchase FDA-approved drugs at a fraction of the cost. For example, the cholesterol-lowering drug Lipitor is about 40 percent less; ulcer medication Prevacid is 50 percent less; and anti-depression medication Zyprexa is 70 percent.

Today, the majority of Americans recognize that drug importation is a fair trade issue. They know that drug makers already bring drugs manufactured in other nations back into the U.S. And FDA inspectors go all over the world to inspect manufacturing lines that will produce drugs that ultimately will be brought into the U.S. I think many Americans would be surprised to learn that their drugs might be made in China, India, or Slovakia. In fact, one quarter of all drugs consumed by Americans were made in other nations and brought into the U.S.

But unfortunately for the millions of Americans struggling to afford their medication, PhRMA also recognizes that drug importation is a trade issue. According to its lobbying disclosures, PhRMA has actually lobbied for language that wouldn’t allow USTR to negotiate strongly-worded trade agreements that would protect and preserve our nation’s patents and intellectual property. But surely USTR can negotiate and fight for language that isn’t a back-handed way of blocking drug importation.

We know that, if given the chance, we can pass a good drug importation bill with bipartisan majorities in both houses of Congress. The bill that I have co-sponsored with Senators SPECTER, LEAHY, SNOWE, MCCAIN, and others would reduce total drug spending in the U.S. by about $50 billion over the 2006-through-2015 period.

But if USTR continues to insert provisions against importation into our trade agreements—agreements that are supposed to help American consumers—then our hard work will be for nothing.

The drug makers have a complete monopoly on those prescription drugs. No one else—doctors, pharmacists, patients, and employers—has the same opportunity to purchase those FDA-approved drugs at low prices. Again, only the drug makers can bring in these safe, FDA-approved drugs. We need to change this policy.

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for tireless leadership in the fight against meth. Methamphetamine 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 enforcement to $80 million. Coupled with the bipartisan addition of $43 million of meth authorization dollars that Senator SNOWE, MCCA IN, and others have provided, this amendment sends vital Federal support to law enforcement officers 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 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 other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle.

Mr. President, as part of H.R. 2862, the fiscal year 2006 Commerce, Justice, Science, and Related Agencies bill, the Senate has included comprehensive relief assistance for small business harmed by Hurricane Katrina. I am glad we were able to come to agreement on a bipartisan package and I thank Senators SNOWE, MCCA IN, and LANDRIEU for their work and for ensuring that we could move forward to pass these provisions so vital to small businesses in the Gulf Coast. One of the key differences between the Snowe-Vitter and Kerry-Landrieu amendments was that the latter also included support for the 7(a) Loan Guarantee Program. Our support of the compromise Hurricane Katrina small business package should not be interpreted as our taking a position today on whether to include appropriations for the 7(a) Loan Guarantee Program. While we were not able to address the 7(a) program today, I am aware that there is $79 million included in the House version of our bill for the 7(a) program and that we will be able to address this issue in conference. I look forward to working with my colleagues to ensure that the 7(a) program continues to provide access to capital to small businesses across the Nation.

Mr. President, we are now coming to the end of our bill. We thank the leadership for all the help and support they gave us, and also working with the Judiciary Committee to accommodate their schedule.

This is the first time this subcommittee has come out with a bill. We are a newly constituted committee. I have had the chance to work with someone I had worked with in the House. Chairman SHELBY and I worked together in the same committee in the House of Representatives. Now we are together in Appropriations. I thank him for working with me in such a collegial and consultative way.

Also, his staff is outstanding: Katherine Hennessey, Jill Long, Nancy Perks, and Alex Cullen. shredded: Jonathan Chait, Shannon Hines, and Ryan Welch.

I also thank my staff: Paul Carliner, Kate Fitzpatrick, Gabrielle Batkin,
and Alexa Sewell, who is not here today because she has a new baby.

So I thank everyone because I think we are about to pass a good bill. I think the Senate can be very proud of this bill because we support law enforcement at all levels in our communities. We support technology development and scientific discovery. And working with agencies such as the National Weather Service, we save lives and livelihoods.

So I am ready to move to final passage and, once again, express my appreciation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be brief. We are getting toward the end.

I am pleased we have completed consideration of this 2006 Commerce-Jus-
tice-Science appropriations bill. This is not an easy bill, as everyone knows. With jurisdiction, this bill attracts a lot of attention—sometimes too much—on the Senate floor and throughout the process.

It is our job—Senator MIKULSKI’s and mine, with the help of leadership on both sides—to ensure the bill supports our colleagues’ concerns and effectively supports the operations of its Federal agencies. We have tried to do this. I think we have.

I thank my colleagues for understanding this and for working with us to ensure the viability of this bill, both here in the Senate and in conference.

I believe overall this is a good bill. It reflects the priorities of this body, and it addresses the needs of the Nation. Some needs are now more urgent than others, as we know in the wake of Hurricane Katrina, and we have and will continue to make adjustments in the Small Business Disaster Loan Program, the Economic Development Admin-
istration’s Public Works Grants, and the National Oceanic and Atmos-
pheric Administration’s hurricane-related programs.

We will take this bill to the House of Representatives in conference. We have only a short time left in the year, as the leader keeps telling us. We will do our best to get a conference report to the President as soon as we can.

I also offer my thanks to the distinguished Senator from Maryland, Ms. MIKULSKI, for all of her work and the work of her staff. We have worked to-
gether for years. Without our working together in a bipartisan spirit, we would not be where we are today. She and her staff have worked with our side of the aisle in a truly bipartisan man-
er, and it is reflected in the bill.

I also thank Senator COCHRAN, chair-
man of the full committee, for all of his work and advice. It has been ap-
preciated. I also thank the leaders, Sen-
ators FRIST and REID, and the floor sta-
taff, especially Dave Schiappa, Bill Hoagland, and my aide, Kirk. The Hennessey, and others. They did an ex-
cellent job helping us move this bill along, and we are in their debt.

I thank the Chair. The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The ma-
jority leader.

Mr. FRIST. Mr. President, in a very few seconds we will proceed to passage of the CJS bill. I congratulate the two managers for the outstanding job they have done, Senators SHELBY and MI-
KULSKI. They patiently stayed on the floor day and night working through the amendments. We thank them for their efforts. It has been a matter of a lot of patience, in part due to the co-
ordination with the Judiciary Com-
mitee and those hearings. In a few mo-
ments after passage of the bill, we will be turning to the Agriculture appro-
priations bill. The managers are here. They will be making their opening statements, but we will not have roll-
call votes later today. Tomorrow we have an important congressional dele-
gation traveling to the Gulf States. In addition, we have a delegation attending a celebration for the national day of prayer and remembrance. Therefore, we will not be in session on Friday. We will return on Monday. We will have a vote Monday, late afternoon, at approximately 5:30. We will alert all Members when that vote is locked.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Mr. VITTER) are necessarily absent.

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted ‘‘yea.’’

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 235 Leg.]

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning

Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy

Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nelson
Osama
Pryor
Reed
Reid
Roberts
Ron Wyden

Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NOT VOTING—5

Coburn
Enzi
Corzine
Landrieu
Lott
Thune

Vitter

The bill (H.R. 2862), as amended, was passed.

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the title amend-
ment is agreed to.

The Senate insists on its amend-
ments, requests a conference with the House, and the Chair appoints Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr.
DOMENICI, Mr. MCCONNELL, Mrs.
HUTCHISON, Mr. BROWNBACK, Mr. BOND,
Mr. COCHRAN, Ms. MIKULSKI, Mr.
INOUYE, Mr. LEAHY, Mr. KOHL, Mrs.
MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD conferees on the part of the Senate.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has approved H.R. 2862, the fiscal year 2006 appro-
priations bill providing vital funding for the Departments of Commerce and Justice and related agencies. I am, however, disappointed about the fact that this bill underfunds some important priorities. I am also disappointed that the Senate rejected several wor-
thy amendments that would have im-
proved this bill and helped to meet our obligations to the victims of Hurricane Katrina.

Whether we call police officers “law enforcement” or “first responders,” I believe that Congress, in partnership with States and local communities, has an obligation to provide State and local law enforcement with the tools, technology, and training they need to protect our communities. I am deeply concerned about proposed cuts in Fed-
eral funding programs for our nation’s law enforcement officers. I have con-
sistently supported a number of Fed-
eral grant programs, including the Community Oriented Policing and Problem Solving, COPS. Program, which is designed in providing funding to train new officers and pro-
vide crime-fighting technologies. I also support funding for the Byrne grant
program, which provides funding to help fight violent and drug-related crime, including support to multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamines.

Unfortunately, not everyone sees it that way. Once again this year, the administration’s budget proposal would have drastically cut the COPS Program, and would have eliminated all funding for the Byrne grant program. I have already supported efforts to restore this funding through the budget process, and am proud to continue to fight in the appropriations process to make sure that state and local law enforcement efforts are on track to make sure that they need and deserve. We should be doing more, not less, to support our local law enforcement. In particular, I was proud to support Senator BIDEN’s amendment that provided additional COPS funds for the hiring of local police officers, an aspect of the COPS Program that has been dramatically cut back. The amendment also would have provided $19 million to help find children displaced by Katrina and reunite them with their families, and to support victims of domestic violence and sexual assault affected by Katrina. I regret the Senate’s decision to reject this amendment.

On the other hand, I am pleased that an amendment offered by Senators DAYTON and CHAMBLISS to increase Byrne/local law enforcement block grant funding by $275 million was accepted. This amendment, which I co-sponsored, received $399 million. These important programs to fiscal year 2003 levels, and I hope it will be retained in conference.

While I strongly support the efforts of Senator STABENOW to address the need for first responders to have interoperable communications capabilities, I could not support her amendment. My colleague from Michigan rightly notes that making sure that all of our first responders can communicate with each other must be a priority for our Nation, and I admire her efforts to advance this cause. However, 4 years after September 11 tragically highlighted this vitally important issue, we still have not unified national interoperable communications standards. Without these standards, there is no guarantee that a new $5 billion grant program for equipment would create the interoperable communication system that not only our first responders but all citizens and communities deserve. When spending such massive amounts of money and such a large percentage of all first responder funding on this new program, we must make sure that we are spending the money wisely. Without standards we cannot meet this test and that is why I regretfully voted against this amendment.

I am disappointed that the Senate did not adopt the amendment I cosponsored offered by Senator CLINTON that would have created a commission to investigate and identify the problems with the governmental response to Katrina. Hurricane Katrina and its aftermath devastated a Gulf region and exposed serious flaws in our Nation’s response capabilities. While the crisis prompted untold acts of heroism and compassion that continue to this day, it also revealed gaping holes in the Government’s reaction and ability to stop, reduce, and mitigate the effects of this terrible disaster.

We need answers. We need answers about what went right, what went wrong, and what we can do to make sure our response is better to future disasters. We need a serious inquiry unimpeded by political considerations or posturing, and I believe an independent commission is the right way to do that. Our Nation and this Senate have been willing to spend tens of billions of dollars in the last 4 years to address our disaster response capabilities. Hurricane Katrina showed that those capabilities still can’t provide Americans with the protection and safety they deserve. We need the serious rethinking and reassessment a Katrina commission could provide so that we can effectively address our nation’s critical response needs. That is why I hope the Senate will soon reconsider establishing such a commission.

In closing, I want to note my disappointment that the bill fails to address problems with media concentration. I have long been concerned about concentration and vertical integration in the radio industry, which was one of the reasons I opposed the Telecommunications Act of 1996 that relaxed many ownership restrictions. I feel that consolidation has the strong potential for limiting creativity, localism and diversity on our airwaves. In 1998, twice in 2001 and again in September 2002, the Federal Communications Commission, FCC, published reports on the changes in the radio industry as a result of the 1996 act. These reports showed significant consolidation nationally and in local markets. For example in 1996, the largest radio group owned less than 65 stations; by 2002 the largest radio group had more than 1,200 stations.

I proposed a modest amendment to require the FCC to update and provide Congress with a report on consolidation in the radio industry that the FCC last produced 3 years ago. I was disappointed that I was denied even the opportunity to get a vote on my amendment. As New York Attorney General Eliot Spitzer’s recent payola settlement shows, there continue to be problems with the radio industry and this amendment would have provided updated information about the state of the industry so that Congress can decide how to address these problems.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2744, the Agriculture appropriations bill. I further ask that the committee-reported substitute be agreed to as the original text for purposes of further amendment and that no points of order be waived by virtue of this agreement.

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

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes. The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment. (Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2744

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITTE I

Agricultural Programs

Office of the Secretary

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: Provided, That not to exceed $15,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

Executive Operations

Chief Economist

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

National Appeals Division

For necessary expenses of the National Appeals Division, $14,524,000.

Office of Budget and Program Analysis

For necessary expenses of the Office of Budget and Program Analysis, $3,298,000.

Homeland Security Staff

For necessary expenses of the Homeland Security Staff, $394,000.

Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, $16,462,000.

Common Computing Environment

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Foreign Agriculture Service, and Rural Development mission areas for information technology, systems, and services,
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to be conducted by the Colorado State University and the Government at the
Shortgrass Steppe Biological Field Station:
Provided further, That the term of any lease
shall be for no more than 20 years, but a
lease may be renewed at the option of the
Secretary on such terms and conditions as
the Secretary deems in the public interest.
øNone of the funds appropriated under this
heading shall be available to carry out research related to the production, processing,
or marketing of tobacco or tobacco products.
øBUILDINGS AND FACILITIES
øFor acquisition of land, construction, repair, improvement, extension, alteration,
and purchase of fixed equipment or facilities
as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided,
$87,300,000, to remain available until expended.
øCOOPERATIVE STATE RESEARCH, EDUCATION,
AND EXTENSION SERVICE
øRESEARCH AND EDUCATION ACTIVITIES
øFor payments to agricultural experiment
stations, for cooperative forestry and other
research, for facilities, and for other expenses, $661,691,000 (increased by $855,000), as
follows: to carry out the provisions of the
Hatch Act of 1887 (7 U.S.C. 361a–i),
$178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7),
$22,255,000; for payments to the 1890 landgrant colleges, including Tuskegee University and West Virginia State University (7
U.S.C. 3222), $37,704,000, of which $1,507,496
shall be made available only for the purpose
of ensuring that each institution shall receive no less than $1,000,000; for special
grants for agricultural research (7 U.S.C.
450i(c)), $92,064,000; for special grants for agricultural research on improved pest control
(7 U.S.C. 450i(c)), $15,038,000; for competitive
research grants (7 U.S.C. 450i(b)), $214,634,000;
for the support of animal health and disease
programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,187,000; for grants for
research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.),
$1,102,000, to remain available until expended; for the 1994 research grants program
for 1994 institutions pursuant to section 536
of Public Law 103–382 (7 U.S.C. 301 note),
$1,000,000, to remain available until expended; for rangeland research grants (7
U.S.C. 3333), $1,000,000; for higher education
graduate
fellowship
grants
(7
U.S.C.
3152(b)(6)), $4,500,000, to remain available
until expended (7 U.S.C. 2209b); for higher
education
challenge
grants
(7
U.S.C.
3152(b)(1)), $5,500,000; for a higher education
multicultural scholars program (7 U.S.C.
3152(b)(5)), $998,000, to remain available until
expended (7 U.S.C. 2209b); for an education
grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000 (increased by
$855,000); for noncompetitive grants for the
purpose of carrying out all provisions of 7
U.S.C. 3242 (section 759 of Public Law 106–78)
to individual eligible institutions or consortia of eligible institutions in Alaska and
in Hawaii, with funds awarded equally to
each of the States of Alaska and Hawaii,
$2,997,000; for a secondary agriculture education program and 2-year post-secondary
education (7 U.S.C. 3152(j)), $1,000,000; for
aquaculture grants (7 U.S.C. 3322), $3,968,000;
for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C.
3152(b)(4)) to colleges eligible to receive
funds under the Act of August 30, 1890 (7
U.S.C. 321–326 and 328), including Tuskegee
University and West Virginia State University, $12,312,000, to remain available until ex-

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pended (7 U.S.C. 2209b); for payments to the
1994 Institutions pursuant to section 534(a)(1)
of Public Law 103–382, $2,250,000; for resident
instruction grants for insular areas under
section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act
of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education
Activities, $39,773,000, of which $2,750,000 for
the Research, Education, and Economics Information System and $2,173,000 for the Electronic Grants Information System, are to remain available until expended.
øNone of the funds appropriated under this
heading shall be available to carry out research related to the production, processing,
or marketing of tobacco or tobacco products:
Provided, That this paragraph shall not apply
to research on the medical, biotechnological,
food, and industrial uses of tobacco.
øNATIVE AMERICAN INSTITUTIONS ENDOWMENT
FUND
øFor the Native American Institutions Endowment Fund authorized by Public Law
103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.
øEXTENSION ACTIVITIES
øFor payments to States, the District of
Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and
American Samoa, $444,871,000, as follows:
payments for cooperative extension work
under the Smith-Lever Act, to be distributed
under sections 3(b) and 3(c) of said Act, and
under section 208(c) of Public Law 93–471, for
retirement and employees’ compensation
costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C.
343(b)(3)), $3,273,000; payments for the nutrition and family education program for lowincome areas under section 3(d) of the Act,
$62,409,000; payments for the pest management program under section 3(d) of the Act,
$10,000,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000;
payments for New Technologies for Ag Extension under section 3(d) of the Act,
$1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890
land-grant colleges, including Tuskegee University and West Virginia State University,
as authorized by section 1447 of Public Law
95–113 (7 U.S.C. 3222b), $16,777,000, to remain
available until expended; payments for
youth-at-risk programs under section 3(d) of
the Smith-Lever Act, $7,978,000; for youth
farm safety education and certification extension grants, to be awarded competitively
under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the
Renewable Resources Extension Act of 1978
(16 U.S.C. 1671 et seq.), $4,060,000; payments
for Indian reservation agents under section
3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs
under section 3(d) of the Act, $4,067,000; payments for rural health and safety education
as authorized by section 502(i) of Public Law
92–419 (7 U.S.C. 2662(i)), $1,965,000; payments
for cooperative extension work by the colleges receiving the benefits of the second
Morrill Act (7 U.S.C. 321–326 and 328) and
Tuskegee University and West Virginia
State University, $33,868,000, of which
$1,724,884 shall be made available only for the
purpose of ensuring that each institution
shall receive no less than $1,000,000; and for
necessary expenses of Extension Activities,
$16,531,000.
øINTEGRATED ACTIVITIES
øFor the integrated research, education,
and extension grants programs, including
necessary
administrative
expenses,
$15,513,000, as follows: for a competitive
international science and education grants

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program authorized under section 1459A of
the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7
U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public
Law 89–106, as amended, $1,000,000, to remain
available until September 30, 2007 for the
critical issues program, and $1,513,000 for the
regional rural development centers program;
and $12,000,000 for the Food and Agriculture
Defense Initiative authorized under section
1484 of the National Agricultural Research,
øOUTREACH FOR SOCIALLY DISADVANTAGED
FARMERS
øFor grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279),
$5,935,000 (increased by $1,875,000), to remain
available until expended.
øOFFICE OF THE UNDER SECRETARY FOR
MARKETING AND REGULATORY PROGRAMS
øFor necessary salaries and expenses of the
Office of the Under Secretary for Marketing
and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing
Service; and the Grain Inspection, Packers
and Stockyards Administration; $724,000.
øANIMAL AND PLANT HEALTH
INSPECTION SERVICE
øSALARIES AND EXPENSES
ø(INCLUDING TRANSFERS OF FUNDS)
øFor expenses, not otherwise provided for,
necessary to prevent, control, and eradicate
pests and plant and animal diseases; to carry
out inspection, quarantine, and regulatory
activities; and to protect the environment,
as authorized by law, $823,635,000 (increased
by $18,885,000), of which $4,140,000 shall be
available for the control of outbreaks of insects, plant diseases, animal diseases and for
control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,634,000 shall be used for
the boll weevil eradication program for cost
share purposes or for debt retirement for active eradication zones; of which $33,340,000
shall be available for a National Animal
Identification program: Provided, That no
funds shall be used to formulate or administer a brucellosis eradication program for
the current fiscal year that does not require
minimum matching by the States of at least
40 percent: Provided further, That this appropriation shall be available for the operation
and maintenance of aircraft and the purchase of not to exceed four, of which two
shall be for replacement only: Provided further, That, in addition, in emergencies which
threaten any segment of the agricultural
production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or
corporations of the Department such sums as
may be deemed necessary, to be available
only in such emergencies for the arrest and
eradication of contagious or infectious disease or pests of animals, poultry, or plants,
and for expenses in accordance with sections
10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections
431 and 442 of the Plant Protection Act (7
U.S.C. 7751 and 7772), and any unexpended
balances of funds transferred for such emergency purposes in the preceding fiscal year
shall be merged with such transferred
amounts: Provided further, That appropriations hereunder shall be available pursuant
to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements,
but unless otherwise provided the cost of altering any one building during the fiscal

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year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, for which such fees are authorized and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES
For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 429a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE
MARKETING SERVICES
For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and agreements, as authorized by law, and for administration and coordination of payments to States, $78,032,000, including funds for the wholesale market development program, the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES
For fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES
For not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or less than $756,152,000 shall be available for administrative expenses pursuant to section 2607 of the Agricultural Marketing Act of 1946, $38,400,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES
For not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this authorization may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FOOD SAFETY AND INSPECTION SERVICE
For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $590,000.

FOOD SAFETY AND INSPECTION SERVICE
For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Livestock沃尔玛 Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 2, 1937, (7 U.S.C. 1443), of which up to $75,000,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 2227 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1381): Provided, That the total amount made available under this heading, no less than $20,633,000 shall be obligated for regulatory and scientific training: Provided further, That not to exceed $1,000,000 shall be available to the Secretary to enter into contracts and commitments without regard to the limits of this Act.

LIMITATION ON ADMINISTRATIVE EXPENSES
For fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES
For not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or less than $756,152,000 shall be available for administrative expenses pursuant to section 2607 of the Agricultural Marketing Act of 1946, $38,400,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM SAFETY
For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress, $1,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program legislation.

FOOD SAFETY AND INSPECTION SERVICE
For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,300,000; operating loans, $2,116,256,000; and for boll weevil eradication program loans, $10,000,000: Provided, That such fees are structured to be boll weevil eradication program loans.

ADMINISTRATIVE AND OPERATING EXPENSES
For administrative expenses, as authorized by section 228A of the Department of Agriculture Reorganization Act of 1962, $77,896,000: Provided, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506.

AGRICULTURAL INSURANCE CORPORATION
For necessary expenses for carrying out the direct and guaranteed loan programs, $297,127,000 shall be transferred to and merged with the appropriation for Farm Service Agency, Salaries and Expenses; $297,127,000 shall be transferred to and merged with the appropriation for the Farm Credit Administration, Insurers, and Related Agencies Appropriation Act, 2001, for the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.
the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

**FEDERAL CROP INSURANCE CORPORATION**

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

**COMMUNITY CREDIT CORPORATION FUND**

Reimbursement for net realized losses. For the current fiscal year, such sums as may be necessary to reimburse the Community Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 101 of the Act of August 17, 1961 (15 U.S.C. 713a-11): Provided, That the funds available to the Community Credit Corporation under section 11 of the Community Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Service and Environment to administer the information resource management activities of the Foreign Agricultural Service that are not related to Community Credit Corporation business.

**HAZARDOUS WASTE MANAGEMENT**

**LIMITATION ON EXPENSES**

For the current fiscal year, the Community Credit Corporation shall not expend more than $5,000,000 for site investigation and decontamination and such sums as may be necessary to reimburse the Community Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 107(g) of the Com-}

**HAZARDOUS WASTE MANAGEMENT**

For necessary expenditures for research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,026,000.

**WATERSHED STUDIES AND PLANNING**

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,026,000.

**WATERSHED AND FLOOD PREVENTION OPERATIONS**

For necessary expenses to carry out preventive measures, including but not limited to research on, and the development of methods of cultivation, the growing of vegetation, re-}

**NATIONAL RESOURCES AND ENVIRONMENT**

**CONSERVATION PROGRAMS**

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment, and of which not less than $27,312,000 shall be for the establishment of the plant materials centers, except that the cost of alter-}

**CONSERVATION OPERATIONS**

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 990a-1), including preparation of con-}

**CONSERVATION OPERATIONS**

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 990a-1), including preparation of con-}

**RESOURCE CONSERVATION AND DEVELOPMENT**

For necessary expenses in planning and carrying out projects for resource conserva-

**WATERSHED REHABILITATION PROGRAM**

For necessary expenses to carry out reha-}

**RESOURCE CONSERVATION AND DEVELOPMENT**

For necessary expenses in planning and carrying out projects for resource conserva-

**RURAL DEVELOPMENT PROGRAMS**

**OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT**

For necessary salaries and expenses of the Office of the Under Secretary for Rural De-}

**RURAL COMMUNITY ADVANCEMENT PROGRAM**

Including transfers of funds. For the cost of direct loans, loan guarantees, and grants, as authorized by section 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306(a)(2), and 306(d) of such Act, of which not to exceed $500,000 shall be available for the rural utili-}

**RURAL COMMUNITY ADVANCEMENT PROGRAM**

Including transfers of funds. For the cost of direct loans, loan guarantees, and grants, as authorized by section 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306(a)(2), and 306(d) of such Act, of which not to exceed $500,000 shall be available for the rural utili-}

**RURAL COMMUNITY ADVANCEMENT PROGRAM**

Including transfers of funds. For the cost of direct loans, loan guarantees, and grants, as authorized by section 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306(a)(2), and 306(d) of such Act, of which not to exceed $500,000 shall be available for the rural utili-}

**RURAL COMMUNITY ADVANCEMENT PROGRAM**

Including transfers of funds. For the cost of direct loans, loan guarantees, and grants, as authorized by section 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306(a)(2), and 306(d) of such Act, of which not to exceed $500,000 shall be available for the rural utili-
the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste water systems pursuant to section 306A(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

**RURAL DEVELOPMENT**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for administrative expenses; grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)), $25,000,000; to remain available until expended, shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be available for authorized empowerment zones and enterprise communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $145,224,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

**RENTAL ASSISTANCE PROGRAM**

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 521(c)(5)(D) of the Act, for expenses incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, $3,681,033,000 shall be for unsubsidized guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $651,000; and section 323 self-help housing loan guarantee funds, $52,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

**RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT**

**(INCLUDING TRANSFER OF FUNDS)**

For the cost of direct loans, grants, and contracts, as authorized by title V of the Housing Act of 1949 (42 U.S.C. 1932), $24,000,000 (increased by $10,000,000), of which $7,000,000 shall be for the development of the Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-
(277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (31 U.S.C. 1716).

**RENEWABLE ENERGY PROGRAM**

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

**RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT**

**(INCLUDING TRANSFER OF FUNDS)**

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; rate direct electric loans, $1,000,000,000; guaranteed under-writing loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $25,500,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed rural electric, $212,000; for rural electric, $6,160,000, and the cost of telecommunications loans, $212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year. In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,907,000 which shall be transferred to and merged with the appropriation for the Rural Development, Salaries and Expenses.

**RURAL TELEPHONE BANK PROGRAM ACCOUNT**

**(INCLUDING TRANSFER OF FUNDS)**

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits and subject to such conditions as are required by law, to buy, sell, or exchange any service, in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 101 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for the Rural Development, Salaries and Expenses.

Of the unobligated balances from the Rural Telephone Bank Liquidating Account, $2,500,000 shall not be obligated and $2,500,000 are reserved.

**DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM**

For the principal amount of direct distance learning and telemedicine loans, $50,000,000, and for the principal amount of direct broadband telecommunication loans, $463,860,000.

For the cost of direct loans and grants for telecommunication and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $23,750,000, to remain available until expended, of which $750,000 shall be for direct loans: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the cost of broadband telecommunications loans, as authorized by 7 U.S.C. 901 et seq., $9,973,000, to remain available until expended: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for the Distance and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

**TITLE IV**

**DOMESTIC FOOD PROGRAMS**

**OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES**

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services to administer the laws and regulations for the Food and Nutrition Service, $559,000.

**FOOD AND NUTRITION SERVICE**

**CHILD NUTRITION PROGRAMS**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except as provided in section 17 of such Act: Provided, That the cost of administering the National School Lunch Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,927,000, to remain available through September 30, 2007, of which $5,677,344,000 is hereby appropriated and $5,167,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612a): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $5,235,000 shall be available for independent verification of school food service claims.

**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 4(a) of the Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c; note); that none of the funds made available under this heading shall be required by law: Provided, That notwithstanding section 4402 of Public Law 107–171, such funds shall not be available for any representation allowances and for special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966; or $4,000,000 shall be available until September 30, 2007: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for any payment made to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Supplemental Nutrition Assistance Program, as authorized by section 4002 of Public Law 107–171, such funds shall remain available through September 30, 2007.

**NUTRITION PROGRAMS ADMINISTRATION**

For necessary administrative expenses of the Domestic and Natural Disaster Assistance programs funded under this Act, $14,761,000.

**TITLE V**

**FOREIGN AGRICULTURAL SERVICE**

**(SALARIES AND EXPENSES)**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Foreign Agricultural Service, including carrying out the requirements specified in section 17(h) of such Act: Provided further, That not withstanding any other provision of law, effective in fiscal year 2006 to support the Supplemental Nutrition Assistance Program, as authorized by section 4002 of Public Law 107–171, such funds shall remain available through September 30, 2007.

**FOREIGN AGRICULTURAL SERVICE**

**(SALARIES AND EXPENSES)**

**(INCLUDING TRANSFERS OF FUNDS)**

For the cost of programs of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by 7 U.S.C. 901 et seq., $70,711,355,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for staff training and evaluation activities that are not fully reimbursed from household income for the duration of the member’s deployment if the additional pay is the result of deployment to/while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

**COMMUNITY ASSISTANCE PROGRAM**

For necessary expenses to carry out disaster assistance and supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c; note); that the cost of borrowing to the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for...
expenses pursuant to section 8 of the Act approved August 3, 1966 (7 U.S.C. 1766), $148,224,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food and nutrition assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

**PUBLIC LAW 108-150 TITLE I DIRECT CREDIT AND FOREIGN CREDIT PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)**

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954 and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $55,940,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-486, and the Food for Progress Act of 1985, the extent funds appropriated for Public Law 83-486 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which $3,217,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

**PUBLIC LAW 108-150 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS (INCLUDING TRANSFER OF FUNDS)**

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $3,114,000,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

**PUBLIC LAW 108-150 TITLE II GRANTS**

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities and credit transactions abroad under title II of said Act, $1,107,094,000, to remain available until expended.

**COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)**

For administrative expenses to carry out the Commodity Credit Corporation’s export guarantee program, GSM 102 and GSM 103, $5,279,000, for construction of common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses” and of which $1,839,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

**MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS**

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736v-1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to expend up to $200,000,000 for the purposes for which the purposes of the different purposes for which the commodity credit corporation is authorized to expend monies on the President’s 2006 budget request before the Committee on Appropriations of the House of Representatives: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

[In addition, mammography user fees authorized by 42 U.S.C. 236b may be credited to this account, to remain available until expended.]

[In addition, export certification user fees authorized by 21 U.S.C. 901 may be credited to this account, to remain available until expended.]

**BUILDINGS AND FACILITIES**

For plans, construction, repair, improvement, extension, alteration, and purchase of real property necessary for the operation of the Food and Drug Administration, where not otherwise provided, $5,000,000 to remain available until expended.

**SUBORDINATE AGENCIES**

**COMMUNITY FUTURE TRADING COMMISSION**

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. et seq.), the purchase and hire of passenger motor vehicles, and the rental of special purpose space in the District of Columbia or elsewhere, $65,409,000, including not to exceed $3,000 for official reception and representation expenses.

**FARM CREDIT ADMINISTRATION**

**LIMITATION ON ADMINISTRATIVE EXPENSES**

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

**TITILE VII—GENERAL PROVISIONS (INCLUDING RESCISSION OF FUNDS)**

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not more than 350 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

[Sec. 702. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.]

SEC. 704. New obligatory authority provided for the following appropriation items in this Act shall remain available until expended: (1) Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, homeland security, and wildlife services operations program for aviation safety, and to up to 25 percent of the screwgrass program; (2) Food Safety and Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program; and (3) Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, homeland security, and wildlife services operations program for aviation safety, and to up to 25 percent of the screwgrass program; Food Safety and Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program; and (3) Animal and Plant Health Inspection Service.
service, funds for competitive research grants (7 U.S.C. 6501(b); Farm Service Agen-
cy, salaries and expenses funds made available to county committees; Foreign Agricul-
tural Service, middle-income country training pro-
gram, and up to $1,565,000 of the For-
egn Agricultural Service appropriation sole-
lly for the purpose of offsetting fluctuations in 
income exchange rates subject to documentation by the Foreign Ag-
ricultural Service.

SEC. 708. The Secretary of Agriculture may transfer unobligated balances of discre-
tionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Secretary for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agen-
cy administrator: Provided further, That none of the funds transferred to the Working Cap-
tal Fund pursuant to this section shall be available for the payment of direct costs for each grant awarded under section 431 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 171).

SEC. 710. None of the funds appropriated by this Act shall be obligated for programs or activities related to all advisory committees, pan-
els, commissions, and task forces of the De-
partment of Agriculture, except for panels needed to fulfill costs required to be paid by contractors or panels used to evaluate competitively awarded grants.

SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 171).

SEC. 715. No employee of the Department of Agriculture may be detailed or assigned to any other agency or office of the Depart-
ment for more than 30 days unless the indi-
vidual’s employing agency or office is fully reimbursed for the salary and expenses of the employee for the period of assignment.

SEC. 716. None of the funds appropriated or otherwise made available to the Depart-
ment of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise store, by any Department of Agriculture or non-Department of Health and Human Services employee ques-
tions or responses to questions that are a re-
sult of information requested for the appro-
priations hearing process.

SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to purchase information technology systems or significant upgrades, as determined by the Office of the Chief In-
formation Officer, without the approval of the Chief Information Officer.

SEC. 718. None of the funds appropriated or other-
wise made available to the Department of Agriculture or the Food and Drug Administra-
tion shall be used to pay the salaries and expenses of personnel to carry out the provisions of section 1502 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 721. None of the funds made available by this Act or any other Act may be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s Budget submission to the Committees of Appropriations of both the Houses of Congress.

SEC. 722. In addition to amounts otherwise appropriated or made available by any other Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congress-
ional Hunger Coalition.

SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assis-
tance Act of 1974 (7 U.S.C. 1709), any bal-
cances available to the agencies funded by such 
Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title II of such Act, may be used to carry out title II of such Act.

SEC. 724. Section 375(e)(B)(i) of the Con-
gressional Hunger Coalition Act (7 U.S.C. 2008(e)(B)(i)) is amended by strik-
ing "$27,996,000" and inserting "$28,498,000".

SEC. 725. None of the funds made available by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in previous fiscal years, none of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President’s Budget submission to the Committees of Appropriations of both the Houses of Congress.
(Sec. 729) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1936f).

(Sec. 730) None of the funds made available in this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation security program authorized by 16 U.S.C. 3838.

(Sec. 731) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out a conservation security program authorized by 16 U.S.C. 3838.

(Sec. 732) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 733) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Water Conservation and Flood Prevention Act (16 U.S.C. 1021(h)).

(Sec. 734) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 735) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 736) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 601(i)(1)(A) of the Nutrition Act of 1966 (7 U.S.C. 9051(b)(1)(A)).

(Sec. 737) None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

(Sec. 738) None of the funds made available in this Act shall be used to carry out a competitive grants program under the same terms and conditions as those provided in section 401(j) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 739) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 740) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 741) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 742) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 743) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 744) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 745) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 746) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 747) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 748) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 749) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 401(j)(1)(A) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(Sec. 750) Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(b)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 4822). That any such funds made available to reimburse the Commodity Credit Corporation shall only be credited to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

(Sec. 751) Funds made available under section 12601 and 12611 of the Food Security and Conservation Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

(Sec. 752) None of the funds made available under this Act shall be used to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(1)(B) of the Child Nutrition Act of 1966.

(Sec. 753) There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Education Center in Springfield, Ohio.

(Sec. 754) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1924).

(Sec. 755) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1924).

(Sec. 756) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1924).

(Sec. 757) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1924).
may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

SEC. 757. None of the funds appropriated in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of adherence to the electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 758. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

SEC. 759. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—
(1) the City of Bridgeport, New Jersey, the City of Kingston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of the Rural Housing Service Community Facilities Program loans and grants; and
(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants; and
(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants.

SEC. 760. The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 761. The counties of Burlington and Cumberland (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program. Reference is made to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter I of Division B of Public Law 108–214 (18 Stat. 1236).

SEC. 762. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $22,000,000 is hereby rescinded.

SEC. 763. None of the funds provided by this Act shall be used to pay salaries and expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

SEC. 764. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

SEC. 765. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audiovisual component of such story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 766. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $7,000,000, of which not to exceed 5 percent may be available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitive Act of 2004 (Public Law 109–40). The Secretary of Agriculture shall use the proceeds of such sale as offsetting collections to its Agricultural Research Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

SEC. 767. None of the funds made available in this Act may be used—
(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 501 of the Federal Food, Drug, and Cosmetics Act, submitted by a member of an advisory committee or panel of the Food and Drug Administration; or
(2) to make a certification under section 208(b)(3) of the Federal Food, Drug, and Cosmetics Act, for any such voting member.

SEC. 768. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to implement or administer section 508 of the Federal Acquisition Reform Act (41 U.S.C. 254i) or the Rehabilitation Act (29 U.S.C. 794).

SEC. 769. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006—

| TITLE I | AGRICULTURAL PROGRAMS |
| PRODUCTION, PROCESSING AND MARKETING |
| OFFICE OF THE SECRETARY |

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, and for such other purposes as determined by the Secretary.

EXECUTIVE OPERATIONS |

CHIEF ECONOMIST |

For necessary expenses of the Chief Economist, including economic analyses, risk assessment, program development, and new program uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agri-cultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION |

For necessary expenses of the National Appellate Services, $14,532,000: Provided further, That none of the funds provided in this Act may be used to replace these facilities and to improve other USDA-owned facilities.

OFFICE OF BUDGET AND PROGRAM ANALYSIS |

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

HOMELAND SECURITY STAFF |

For necessary expenses of the Homeland Security Staff, $1,166,000.

OFFICE OF THE CHIEF INFORMATION OFFICER |

For necessary expenses of the Office of the Chief Information Officer, $16,726,000.

COMMON COMPUTING ENVIRONMENT |

For necessary expenses associated with a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $128,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Information Technology Modernization Act, and shall be made available to county-based agencies, and shall be with the concurrence of the Department’s Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER |

For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department’s contracting activities, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS |

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $821,000.

OFFICE OF CIVIL RIGHTS |

INCLUDING TRANSFERS OF FUNDS |

For necessary expenses of the Office of Civil Rights, $20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION |

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $675,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS |

INCLUDING TRANSFERS OF FUNDS |

For payment of space rental and related costs pursuant to Public Law 92–313, including authorizations pursuant to the Department of Agriculture Appropriations Act, 1946, for payments for General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for long-term use, $1,474,734,000, to remain available until expended, for payments for General Services Administration and the Department of Homeland Security for building security, $1,474,734,000, and for building operations and maintenance, $900,000: Provided, That amounts which are made available for space rental and related costs for the
For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting demands pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

INCLUDING TRANSFERS OF FUNDS

For Departmental Administration, $23,107,000, to provide for necessary expenses for management and support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and for public relations for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incurred in the discharge of the duties of the Secretary of Agriculture, or of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,846,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided, That none of the funds appropriated under this Act shall be available until expended for the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204, and other laws, $145,159,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

INCLUDING TRANSFERS OF FUNDS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics: Provided, That funds available under the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative Extension Service, $598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research relating to the coordination of programs involving facilities at Beltsville, Maryland: Provided, That the appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting demands pursuant to the above Acts on Federal and non-Federal lands.

GAINFUL EMPLOYMENT PROGRAMS

For the Gainful Employment Programs under the postsecondary education provisions, including the payment of informants, to be expended under the direction of the Inspector General, 59 U.S.C. 545–328 and section 1337 of Public Law 97–98.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204, and other laws, $78,549,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,263,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $11,048,000: Provided, That none of the funds appropriated under this Act shall be available until expended for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General, 59 U.S.C. 545–328 and section 1337 of Public Law 97–98.

OFFICE OF COORDINATED SERVICES

For necessary expenses of the Office of Coordinated Services, $8,000,000.
For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act, $5,888,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration, $724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $807,768,000, of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pests of plants and animals necessary to meet emergency conditions; of which $39,900,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $32,932,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brand erosion eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That in addition, in the event that the Secretary determines, by agreement with the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7761 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred funds and further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but without otherwise providing the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

LIMITATION ON ADMINISTRATIVE EXPENSES

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under sections 204(b) of the Agricultural Marketing Act of 1946, $162,000,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standards activities relating to grain under the Agricultural Marketing Act of 1946, $38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the administration and repair of the wholesale market development program and inspectors' buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

For not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

CONGRESSIONAL RECORD — SENATE September 15, 2005
OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY
For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $692,000.

FOOD SAFETY AND INSPECTION SERVICE
For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 338a), $836,818,000, of which no less than $753,457,000 shall be available for Federal food safety inspection; and in addition, $12,500 may be expended in transfers from the Commodity Credit Corporation to the Food Safety and Inspection Service.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT
(Including Transfers of Funds)
For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1989), and operating (7 U.S.C. 1989), loans, $4,250,000.

Agricultural Credit Corporation, $635,000.

STATE MEDIATION GRANTS
For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 1921–5120), $2,450,000, to remain available until expended.

DIEMNITY PROGRAM
(Including Transfer of Funds)
For necessary expenses to carry out the indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agricultural Fair Practice Act, 7 U.S.C. 1506(i).

AGRICULTURAL RISK MANAGEMENT AGENCY
For necessary expenses to carry out the programs authorized by section 1102 of the Agriculture Act of 1996 (7 U.S.C. 7350), $535,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES
(Including Transfers of Funds)
For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,041,555,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation for making payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS
For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 1921–5120), $2,450,000, to remain available until expended.

WATERSHED SURVEYS AND PLANNING
For necessary expenses to conduct research, investigation, and survey work, including the operation and maintenance of equipment and vehicles of various types, and vessels and other waterways, and for small watershed investigations and planning, in accordance with section 205 of the Water Resources Planning Act of 1956 (24 U.S.C. 369f), $1,000,000.

CORPORATIONS
For necessary expenses for necessary expenses to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–1), including preparation of conservation plans and establishment of measures to conserve the soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent water pollution and the silting of water bodies and land to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information: acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 373); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, for which not less than $10,000,000 is to be available until expended, of which not less than $11,000,000 is for snow survey and water forecasting, and not less than $1,000,000 is for operation and establishment of the Plant Material centers, and of which not less than $8,000,000 is for snow survey and water forecasting, and not less than $11,000,000 is for operation and establishment of the Plant Material centers, and of which not less than $8,250,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings, structures, and equipment shall not exceed $500,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 205a of title II of the National River Basin Salinity Control Act of 1974 (43 U.S.C. 1592): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.
with the Watershed Protection and Flood
WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventative measures, including but not limited to research, engineering, operations, and methods of cultivation, the growing of vegetation, rehabilitation of existing
tworks and changes in use of land, in accordance
with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1007–1009 and
1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance
with the provisions of laws relating to the activities of the Department, $27,199,000 of this appropriation shall be available
for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation
is available to carry out the purposes of the
Endangered Species Act of 1973 (Public Law 93–
205), including cooperative efforts as con-
templated by that Act to relocate endangered or
threatened species to other suitable habitats as
may be necessary to expedite project construc-
tion.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilita-
tion of structural measures, in accordance with
section 14 of the Watershed Protection and Flood
Prevention Act (16 U.S.C. 1012), and in accordance
with the provisions of laws relating to the activities of the Department, $27,313,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and car-
ying out measures for resource conservation and
development and for sound land use pursuant to
the provisions of sections 31 and 32 of the
Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–
1011; the Act of August 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the
Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,228,000, to remain available until expended.

TITLE II
RURAL DEVELOPMENT PROGRAM
OFFICE OF THE UNDER SECRETARY FOR RURAL
DEVELOPMENT

For necessary salaries and expenses of the Of-
cice of the Under Secretary for Rural Develop-
ment and for necessary expenses of offices under that
office established by the Congress for the Rural Housing
Service, the Rural Business-Cooperative Service,
and the Rural Utilities Service of the Depart-
ment, $268,000,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees,
and grants, as authorized by 7 U.S.C. 1926, 1926a,
and 1926, except for sections 381E–H and 381N of
the Consolidated Farm and Rural Development Act, $705,106,000, to remain available until expended, of which $86,770,000 shall be for rural community advancement programs described in section 381E(d)(1) of such Act; of which $528,115,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2)(A), and 306C(d)(1) of such Act, and to exceed $496,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $20,000,000 shall be for loans and grants to ben-

The Delta Regional Authority, including grants
pursuant to section 306C of such Act; $26,000,000 shall be for water and waste disposal systems for rural and native vil-
lages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordi-
nation may be transferred to and merged with the appropriation for “Rural Development, Sal-
aries and Expenses”; of which $100,000 shall be provided to develop a regional system for cen-
tralized billing, to be used to measure and monetize the consumption of rural and sewer utilities through regional cooperatives, of which 25 percent shall be pro-
duced for technical assistance for the Delta Regi-
hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, to help develop comprehensive community safe water plans; not to exceed $18,250,000 shall be for technical assist-
ance grants for rural water and waste systems development and management projects described in section 381E(d)(1) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $350,000 shall be for a qualified national Native Ameri-
can tribe, to provide technical assistance for rural water systems for tribal commun-
ities; and not to exceed $13,500,000 shall be for contracts with qualified national organiza-
tions for a circuit rider program to provide tech-
nical assistance for rural water systems: Provi-
ded further, That the total amount appropriated,
not to exceed $21,367,000 shall be available
through June 30, 2006, for authorized em-
powerment zones and enterprise communities and communities designated by the Secretary
of Agriculture as Rural Economic Area Partner-
ship Zones: Provided further, That not more than $35,000,000 may be for the农村
Area Partnership Zones: Provided further, That not more than $35,000,000 may be for project or statewide initiatives: Provided further, That not more than $35,000,000 may be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 306C of such Act, of which $8,300,000 shall be for the rural business and co-
operative development programs described in
section 381E(d)(3) of such Act; Provided further, That of the amount appropriated for rural com-
unity programs, $20,000,000 shall be to provide
grants for the administration and operation of
agricultural cooperatives; and for cooperative agreements; $164,773,000; Provided, That notwithstanding any other provision of law, $318,000,000 authorized under this section may be used for advertising and promotional activities that support the
Rural Development mission area; Provided fur-
ther, That not more than $20,000,000 shall be ap-
pended to provide modest nonmonetary awards to
non-USDAs: Provided further, That any balances available from prior years for the
Rural Utilities Service, Rural Housing Service,
and the Rural Business-Cooperative Service sal-
aries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be avail-
ble from funds in the rural housing insurance fund, as follows: $4,927,587,000 for loans to sec-
tion 502 borrowers, as determined by the Sec-

rural native credit and other direct loans, and
of which $3,581,033,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $90,000,000 for section 504 rental housing loans for sec-
section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $15,000,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of any subsidies defined in
section 502 of the Congressional Budget Act of
1974, as follows: section 502 loans, $154,800,000, of which $113,300,000 shall be for
subsidized guaranteed loans, and of which $41,500,000 shall remain available until expended,
other than $16,000,000,000; of which not to exceed $94,000,000 shall be for

Shelter

struction and promotion of economic and community development programs in rural areas: Provided further, That not to exceed $1,000,000 of this appropriation
is available to carry out the purposes of the
Endangered Species Act of 1973 (Public Law 93–
205), including cooperative efforts as con-
templated by that Act to relocate endangered or
threatened species to other suitable habitats as
may be necessary to expedite project construc-
tion.
Rental Assistance Program

For rental assistance agreements entered into or renewed pursuant to the authority under section 521 of the Act, for the purpose of promoting empowerment zones.

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1496c), $34,000,000, to remain available until expended for direct loans or guaranteed loans to carry out section 515 of the Act, and not to exceed $50,000 per project.

For the principal amount of direct loans, as authorized by the Rural Electric and Public Power Supply System Act (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $2,700,000,000; Treasury rate rural electric loans, $100,000,000; municipal rate rural electric loans, $100,000,000; 5 percent rural telecommunications loans, $1,500,000,000; 5 percent rural telecommunication loans, $1,500,000,000; 5 percent rural telecommunications loans, $1,500,000,000.

For programs of ensuring the project has sufficient revenue to guarantee amendments to section 515 of the Act for purposes authorized under section 515 of the Act, and not to exceed $50,000 per project.

For grants and contracts for value-added agricultural products, as authorized by the Community Renewal Tax Relief Act of 1999 (Public Law 105–277): Provided, That of the amount appropriated, $1,200,000 shall be for value-added agricultural product market development grants, as authorized by section 437 of the Food, Agriculture, Conservation and Trade Act of 2002 (7 U.S.C. 1621 note).

Rural Empowerment Zones and Enterprise Community Grants

For grants in connection with section 2 and third rounds of empowerment zones and enterprise communities, $12,400,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 (Public Law 105–33).
loans, $6,160,000, and the cost of telecommuni-
cations loans, $212,000: Provided, That notwithstanding
section 305(d)(2) of the Rural Elec-
trification Act of 1936, borrower interest rates
may exceed 8 percent a year.
In addition, for administrative expenses nec-
cessary to carry out the direct and guaranteed
loan programs, $39,932,000 which shall be trans-
ferred and charged according to the appropriation
for "Rural Development, Salaries and Expenses".
RURAL TELEPHONE BANK PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
The Rural Telephone Bank is hereby author-
ized to make advances, without charge, to
owners of funds available to such corporation in ac-
cord with law, and to make such contracts and commitments without regard to fiscal year limi-
tations as may be necessary to carry out section 104 of the Tele-
communication Corporation Act of 1996, as may be nec-
cessary in carrying out its authorized programs.
For administrative expenses, including audits,
necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for "Rural Devel-
opment, Salaries and Expenses".
DISTANCE LEARNING, TELEMEDICINE, AND
BANDWIDTH PROGRAM
For the principal amount of broadband tele-
communication loans, $530,000,000.
For grants for distance education and distance
learning services in rural areas, as authorized by
7 U.S.C. 950a et seq., $35,000,000, to remain
available until expended: Provided, That $10,000,000 shall be available for the cost of analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Commu-
ity Service Grants by the Corporation in Pub-
lic Broadcasting under section 296(k) of the Communi-
cations Act of 1934, including associ-
ated translators and repeaters, regardless of the
location of the television transmitter, satellite
transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.
For the cost of broadband loans, as author-
ized by 7 U.S.C. 901 et seq., $11,825,000, to re-
main available until September 30, 2007: Pro-
vided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable ma-
turity: Provided further, That the cost of direct loans authorized in section 502 of the Congres-
In addition, $10,000,000, to remain available
until expended, for a grant program to finance the development of rural areas eligible for Distance Learning and Telemedicine Pro-
gram benefits authorized by 7 U.S.C. 950aa.
TITLE IV
DOMESTIC FOOD PROGRAMS
OFFICE OF THE SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES
For necessary salaries and expenses of the Of-
fice of the Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutri-
tion Service, $599,000.
FOOD AND NUTRITION SERVICE
CHILD NUTRITION PROGRAMS
(INCLUDING TRANSFERS OF FUNDS)
For necessary expenses to carry out the Na-
tional School Lunch Act (42 U.S.C. 1751 et seq.),
except section 10(a), of the Child Nutrition Act of
1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,027,000, to remain available through September 30, 2007, of which $7,324,000,000 shall be appropriated and
$5,187,621,000 shall be derived by transfer from
funds available under section 32 of the Act of
August 24, 1935 (7 U.S.C. 612c): Provided, That
none of the funds made available under this head-
ing shall be available for independent verification of
school food service claims.
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN (WIC)
For necessary expenses to carry out the spe-
cial supplemental nutrition program as author-
ized by section 17 of the Child Nutrition Act of
1966 (42 U.S.C. 1786), $5,257,000,000, to remain
available until September 30, 2007, of which such sums as are necessary to restore the con-
tingency reserve to $125,000 shall be placed in reserve, to remain available until expended, and shall be available and notwithstanding section 17 of such Act, to support participation should cost or par-
ticipation exceed budget estimates: Provided, That of the funds made available under this heading shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That none of the funds made available under this heading shall be used for administrative expenses; Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting the use of funds used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment requirements and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.
FOOD STAMP PROGRAM
For necessary expenses to carry out the Food
Stamp Act (7 U.S.C. 2001 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used to finance administrative expenses: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Res-
erations, pursuant to section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 1939(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers, including as well as from pro-
ducer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available under this heading shall remain available until expended, as authorized by section 16 of the Food Stamp Act: Provided further, That notwithstanding section 5(a) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the dura-
tion of the member’s deployment if the addi-
tional pay is the result of deployment to or service in a combat zone: Provided further, That none of the funds made available under this heading shall be used for studies and evalua-
tions: Provided further, That up to $2,235,000 shall be available for independent verification of
school food service claims.
NUTRITION PROGRAMS ADMINISTRATION
For necessary administrative expenses of the
Fund assistance and the Commodity Supplemen-
tary Nutrition Program for Low-income Women, Infants, and Children (FDPIR), including the cost of
modifying credit arrangements under said Acts, for
assisting in the prevention, identification, and prosecution of fraud and other violations of
law.
FOOD FOR PROGRESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)
FOREIGN AGRICULTURAL SERVICE
SALES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)
For necessary expenses of the Foreign Agra-
cultural Service, including the supplemental appro-
priation under this Act, $140,761,000, of which $5,000,000 shall be available only for simplifying proce-
dures, reducing overhead costs, tightening regu-
lations, improving food delivery, and improving
performance and efficiency, and assisting in the prevention, identification, and prosecution of fraud and other violations of
law.
TITLE V
FOREIGN ASSISTANCE AND RELATED
PROGRAMS
FOREIGN AGRICULTURAL SERVICE
SALES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)
For necessary expenses of the Foreign Agra-
cultural Service, including the supplemental appro-
priation under this Act, $140,761,000, of which $5,000,000 shall be available only for simplifying proce-
dures, reducing overhead costs, tightening regu-
lations, improving food delivery, and improving
performance and efficiency, and assisting in the prevention, identification, and prosecution of fraud and other violations of
law.
PUBLIC LAW 89-1 DIRECT CREDIT AND
FOR FOOD PROGRESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)
For the cost, as defined in section 502 of the Con-
gressional Budget Act of 1974, of agreements
under the Agricultural Trade Development and
Progress Act of 1965, including the cost of modi-
fying credit arrangements under said Acts, $65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for
Progress Act of 1965 to provide no less than
$5,000,000 in local-currency funding support for
rural electrification development overseas.
In addition, for administrative expenses to carry out the credit program of title 1, Public Law 83-480, and the Food for
Progress Act of 1965, to the extent funds appropriated for Public Law 83-480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with funds appropriated for the "Foreign Agricultural Service, Sales and Expenses", and of which $3,217,000 may be transferred to and merged
with the appropriation for "Farm Service Agency, Salaries and Expenses":

PUBLIC LAW 104-156 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act, $11,340,000, to remain available until expended: Provided, That funds made available for the costs of agreements under title I of the Agricultural Trade Development and Assistance Act, and under title I of the Ocean Freight Differential Act for ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 104-156 TITLE II GRANTS

For expenses in the current fiscal year, not otherwise recoverable, and uncovered prior year's costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,159,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses to carry out the Commodity Credit Corporation’s export guarantee program, $3,279,000; to cover common overhead expenses as presented by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses."

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3109 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation in making compensation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses."
the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs that are specifically authorized by the legislation or regulations. In such cases, the indirect costs are limited to those that are necessitated by the agreements when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 710. Hereafter, none of the funds appropriated by this Act shall be available to pay indirect costs charged against competitive agricultural education, research, or extension grants awarded by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall be used only until expenses are covered by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs, projects, or activities; (2) increases funds or personnel by any means for any program or activity for which funds have been denied or restricted; (4) relocates any agency, office, or employees; (5) reorganizes any office or employees; (6) contracts out or privatizes any functions or activities presently performed by personnel; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 712. Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent the funding for any existing program, project, or activity; (3) eliminates a program, project, or activity; (4) reorganizes any office or employees; (5) reorganizes programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any program or activity for which funds have been denied or restricted; (4) relocates any agency, office, or employees; (5) reorganizes any office or employees; (6) contracts out or privatizes any functions or activities presently performed by personnel; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 713. Hereafter, none of the funds appropriated by this Act may be used to carry out section 410 of the Agricultural Marketing Act of 1949, subsection (b) of section 202(a) of the Federal Meat Inspection Act (21 U.S.C. 678a), or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office of the Department of Agriculture to another federal or non-federal agency or office of the Department for more than 30 days unless the individual’s employing agency or office is fully reimbursed by the receiving agency for the salaries and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriated hearing process.

SEC. 716. None of the funds made available to the Department by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds made available to the Department of Agriculture for information technology shall be obligated for contracts after September 30, 2005, unless provided otherwise by the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for contracts after September 30, 2005, unless provided otherwise by the Committees on Appropriations of both Houses of Congress.

SEC. 717. (a) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs, projects, or activities; (2) increases funds or personnel by any means for any program or activity for which funds have been denied or restricted; (4) relocates any agency, office, or employees; (5) reorganizes programs; (6) contracts out or privatizes any functions or activities presently performed by personnel; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent the funding for any existing program, project, or activity; (3) eliminates a program, project, or activity; (4) relocates any agency, office, or employees; (5) reorganizes programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any program or activity for which funds have been denied or restricted; (4) relocates any agency, office, or employees; (5) reorganizes programs; (6) contracts out or privatizes any functions or activities presently performed by personnel; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) Hereafter, the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this Act may be used to pay the salaries and expenses of personnel who prepare or submit applications for grants as part of the President’s Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that were submitted or later adopted in the President’s Budget submission to the Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 720. None of the funds made available by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Fellowships through the Congressional Hunger Fellows, through the Congressional Hunger Center.
SEC. 745. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the $120,000,000 made available by section 906(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950(b)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1974 (7 U.S.C. 1715 et seq.) in excess of $30,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(1)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1785-1). Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 640(a) of Public Law 107–171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary may, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $47,000,000.

SEC. 742. Notwithstanding any other provision of law—

(1) the Alaska Department of Community and Economic Development shall be entitled to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska; and

(2) the Secretary of Agriculture, relating to rural development or any other provision of law, the Secretary of Agriculture, or any other person, to make an initial determination that the objectives of the agreement will: (1) serve a public or private interest with respect to which the Secretary may approve the authorization of such a person to make the agreement; (2) or any percentage of cost limitation in current law, or regulations, the construction projects known as the Tri-Valley Community Housing Center addition in Rugby, North Dakota; and

(3) any new for-profit vendor(s) to transact business in the Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is based on a determination that the vendor will not threaten to contaminate rural drinking water supplies.

SEC. 754. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency water and waste protection program authorized by section 403 of the Agricultural Credit Act of 1974 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impounded by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 755. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under the provisions of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) that is planted to hardwood trees as of the date of enactment of this Act and under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact business in the Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is based on a determination that the vendor will not threaten to contaminate rural drinking water supplies.

SEC. 756. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact business in the Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is based on a determination that the vendor will not threaten to contaminate rural drinking water supplies.

SEC. 735. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facilities Program borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, or loan: (A) To study, complete a study or make a determination of the public interest with respect to which the Secretary may approve the authorization of such a person to make the agreement; (B) or any percentage of cost limitation in current law, or regulations, the construction projects known as the Tri-Valley Community Housing Center addition in Rugby, North Dakota; and

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance authorized by the Rural Development Act shall be 150 percent of the median housing cost in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State.

SEC. 757. The Secretary of Agriculture shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri; and

(B) the Natural Resources Conservation Service is authorized to provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri; and

(3) any former RUS borrower that has repaid any insured direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured direct or guaranteed loan under the Rural Electrification Act.
of the outstanding principal balance of such loan may request an extension of the final maturity date in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, at the Secretary's discretion. Provided, That such funds may be reallocated by the Secretary: Provided, That none of the funds may be appropriated for a monetary or in-kind payment to the Borrower for the purpose of reducing a debt or extending the time for payment of the debt.

SEC. 650. The Secretary of Agriculture is authorized and directed to claim from any person in any manner he may determine for any sums due under the Act.

SEC. 759. There is hereby appropriated $5,000,000 for a grant to Alaska Village Initiatives to administer a program to improve the delivery of health care in rural Alaska.

SEC. 760. There is hereby appropriated $2,000,000, to remain available until expended, for a grant to the Wisconsin-Fed of Cooperative for the purpose of administering a program to improve the delivery of health care in rural Wisconsin.

SEC. 761. Hereafter, notwithstanding any other provision of law, effective with funds made available in any fiscal year thereafter, the Secretary may request an extension of the final maturity date for any loan made by the Federal Credit Reform Act of 1990, as amended, for an amount not to exceed the appraised value of the generating plant or transmission line referred to in subsection (2). Provided, That such extension shall be granted unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the generating plant or transmission line referred to in subsection (2) would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

SEC. 762. The Secretary of Agriculture is authorized and directed to claim from any person in any manner he may determine for any sums due under the Act.

SEC. 763. There is hereby appropriated $5,000,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108–148 (16 U.S.C. 6571–6578).

SEC. 764. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule unless, as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunications Loans Program.

SEC. 765. None of the funds provided in this Act may be used for any purpose other than the purposes set forth in this Act.

SEC. 766. (a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Reserve Bank of Elkhart, Kansas, may request an extension of the final maturity of the outstanding principal balance of such loan or any advance thereof. Provided, That none of the funds may be used for a monetary or in-kind payment to the Borrower for the purpose of reducing a debt or extending the time for payment of the debt.

(b) LIMITATIONS.—(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request the evidence of the collateral referred to in subparagraph (A) and that any extension of the final maturity of the outstanding principal balance of such loan or any advance thereof is advisable.

(1) Evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has conducted an official determination, such as through a licensing procedure, extending the useful life of a generating plant or transmission line as collateral to or beyond the new final maturity date being requested by the borrower, or

(2) A certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the total of all extensions granted under this section increase the appraised value of the generating plant or transmission line referred to in subsection (2).

(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

(c) FEES.—(1) IN GENERAL.—A borrower that receives an extension under this section shall pay to the Secretary a fee calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(2) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.

(3) LIABILITIES.—(A) Evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has conducted an official determination, such as through a licensing procedure, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) A certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line referred to in subsection (2) would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

(4) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

(6) INCOME.—A borrower that receives an extension under this section shall be treated as if the loan had been increased by the extension amount for purposes of determining income for that operation to the extent that the extension amount is allowed by reason of this agreement.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that all after the enacting clause be stricken; that the text of H.R. 2744, Calendar No. 141, the Senate committee-reported bill, be inserted in lieu thereof, considered as original text for the purpose of further amendments, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. That order has been entered.

Mr. BENNETT. Mr. President, I am pleased to bring before the Senate for myself and the ranking member of the subcommittee, Senator KOHN, the fiscal year 2006 appropriations bill for Agriculture, Rural Development, and related agencies. This bill contains the provisions for the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. It also sets a limitation on the funding for the Farm Service Agency and specifies that no apportioned funds are provided for that agency.

The bill is at our 302(b) budget authority allocation of $17,348 billion, and it is within our out-year allocation of $18,816 billion. It is the product of more than 7 months’ examination of the administration’s budget proposal and
many requests from Senators and other stakeholders. It was approved unanimously by the subcommittee and the full committee and is the product of a completely bipartisan effort with contributions from Senators on both sides of the aisle.

Since I have been the chairman of this subcommittee, I have had the pleasure of working with Senator Kohl and his excellent staff and have learned a great deal from that experience. For the record, I thank them for the excellent work they have done. I also thank the staff of the Appropriations Committee back in June. I and my colleagues have worked with them to ensure that the priorities go, and for those who are concerned about these areas of nutrition for people in need, both funding levels provided will meet the expected case-load.

Foreign assistance, we have $147.868 million for the Millennium Challenge II Fund, $130 million; and the McGovern-Dole program, $100 million.

Now let us turn for just a moment to the Food and Drug Administration: FDA, $1.841 billion; the medical device review, getting $55 million above fiscal year 2005; counterterrorism food safety, $16.6 million above fiscal year 2005; and drug safety, $5 million above fiscal year 2005.

With respect to the limitations on mandatory programs where we have looked for savings, we have two goals: one, to do no serious harm and, No. 2, in whatever limitations are there, that they be fair. We believe we have met both of those goals.

This was the work of the subcommittee and the full committee in the normal course of events, and then, of course, Katrina came along. So I think it is appropriate that we make some comments about what may or may not be in this bill with respect to this disaster. The $516 million increase we have learned that is the backbone of the hurricane disaster. As far as animal health programs are concerned, we provide full funding for BSE surveillance and an increase for the detection of low pathogenic avian influenza.

In the area of the research and education program, there is $1.167 billion to support research, education, and extension activities at America's land grant colleges and universities. We have learned that is the backbone of research in agriculture, and that is why we continue to fund that particular area. We also fund 1890 institutions—those are the historically Black land grant colleges—as well as tribal colleges and schools of forestry.

There is $1.3 billion for the Agricultural Research Service, adding money for research in animal diseases, human nutrition, and food safety. Then there is $59 million to complete funding for the National Animal Disease Center located in Ames, IA. This is a project that we have been involved in for some years, and with this appropriation it will finally be completed.

For the farm assistance programs, there is $3.7 billion for farm loans; conservation programs, $963 million for conservation and watershed activities; and in the area of rural development, we have $454 million for water and waste water grants; $5 billion for low-income housing; over $1 billion in loans and grants for small rural businesses; $6.2 billion for rural electrification and telecommunications loans; and $550 million for broadband loans.

In the area of domestic food programs, WIC funding, Women and Infant Children, $3.7 billion; and for food stamps, $40.7 billion. These are very large numbers. This is the area I spoke of earlier where the bulk of the appropriation goes, and for those who are concerned about these areas of nutrition for people in need, both funding levels provided will meet the expected case-load.

I send an amendment to the desk on behalf of myself and Senator Kohl.
On page 154, line 20, after “Iowa,”, insert the following: “the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois.”

On page 167, line 22, strike “(a)” through and including “required fee.” on page 170, line 11, and insert the following: “The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:”

“(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a loan or guarantee made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal of the loan or any ancillary obligation thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

“(b) LIMITATIONS.—

(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies, that after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) EXTENSION OF USEFUL LIFE OF COLLATERNAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

(A) evidence satisfactory to the Secretary that a State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection (a).

(4) PERIOD OF EXTENSION.—Extensions under this section shall be granted to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

“(2) AMOUNT.—The amount of the fee paid shall equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the extension guarantee is extended by making a payment in the amount of the required fee.”

Mr. BENNETT. Mr. President, I am happy to yield to my ranking member, good friend, and full partner, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the fiscal year 2006 appropriations bill for Agriculture, Rural Development, and Related Agencies. This year, the Agriculture Subcommittee received a budget allocation of $17.3 billion, the first budget increase in several years. Along with our increased allocation, however, came increased spending requirements and critical priorities that, in the end, left us with essentially the same funding level as last year. Thanks in no small part to the leadership of Senator BENNETT and his staff, I believe we have put together a bill that all Senators should be able to support without hesitation.

Before I discuss the bill at hand, however, I believe we will be remiss to not express our deepest sympathies to all of those affected by Hurricane Katrina. It seems almost unfair to plan for a year ahead, knowing there are people still trying to figure out their next hours and days. We are aware that so much remains to be done to help these people, and while we do not include funding for specific items related to that disaster in this bill, we are working with USDA to ensure that immediate help in the form of food and assistance is given, and will do what we can to work make sure that when a disaster supplemental is passed, all possible help that can be provided by the USDA and FDA will most certainly be included.

In the bill at hand, however, there are a few of the highlights.

With the recent discovery—the first of its kind—of BSE resulting from a cow born in the United States, it is important that we fully fund the President’s request for all mad cow disease prevention and detection activities within the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Food and Drug Administration. This will allow USDA and FDA to continue enhanced inspections of cattle, and to work to ensure the continued prevention of BSE in this country.

Not to diminish the other important work of keeping our food and drug supply safe to domestic consumers, I would like to point out that the Food Safety and Inspection Service received an increased of nearly $20 million above last year’s level, which will provide for 7,690 food safety inspectors. The Food and Drug Administration received an increase of nearly $35 million, including nearly $17 million for counterterrorism activities, nearly $8 million for increased medical device review, and $5 million for increased drug safety activities.

The importance of the conservation and watershed programs cannot be overstated, especially in light of recent events. This bill provides $66 million for the Natural Resources Conservation Service; $820 million for conservation operations, $5 million for watershed surveys and planning; $60 million for watershed and flood prevention programs; $27 million for the watershed reclamation program, and $51 million for resource conservation and development.

In rural development, the bill provides adequate funding for programs to meet priority needs for rural communities including business development, water and waste assistance, affordable rural housing, electric, telephone and broadband connections, and essential community facilities. The bill also provides a safety net to preserve rural multi-family housing for low-income rural residents from being displaced from Government financed rental housing projects due to recent market and legal developments.

In the WIC Program, the bill provides $5.25 billion, an increase of nearly $22 million from last year’s level. Although this amount is less than what the administration originally requested, changes in participation and food cost estimates allowed these savings, and the amount provided ensures full access to this program using the most up-to-date estimates. This funding level is supported by the administration, as well as noted hunger advocacy groups, all of whom have worked with the committee to ensure the proper and adequate WIC funding level.

This amount includes a contingency reserve of $125 million, $20 million for improved computer systems, and $15 million for breastfeeding support activities. Further, we did not include the President’s proposals to limit Medicaid eligibility restrictions, nor lower the cap on nutrition services administrative funding. All other nutrition programs were funded at or above the President’s request including $40.7 billion for food stamps, $12.4 billion for child nutrition programs, nearly $109 million for the Commodity Supplemental Food Program, and $140,000,000 for The Emergency Food Assistance Program.

This bill also does not neglect our responsibilities to help other countries. The Foreign Agricultural Service received an increase of $11 million this year. The PL-480 program, which supplies U.S. commodities to fight hunger in other countries, was increased at $1.15 billion, and the committee did not accept the administration’s proposal to shift some of these funds to USAID.
The Mc Govern-Dole program, which provides food for impoverished school-children in other countries, receives $100 million.

Overall, as I have previously stated, we were able to do everything that everybody wanted us to do. However, I think that Senator BENNETT has done a good job in making sure that this bill addresses the most important needs that we have. I would like to thank him again, as well as Jon Zolokowski, Fritz Elder, Hunter Moohead, Dianne Precey, and Mickey McDonald on his staff for their hard work and dedication. They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff, for which I am also thankful.

I strongly support this bill, and I encourage all Senators to vote in favor of it.

I look forward to debating and passing this bill on the Senate floor and moving one step further toward providing USDA and FDA funds for fiscal year 2006 in the regular order. I encourage all Senators with amendments to this bill to file them early and to work with Senator BENNETT and myself and our staffs to deal with any and all amendments that come up.

I yield the floor.

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

The PRESIDING OFFICER. The clerks will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask further proceedings under the quorum call be dispensed with.

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

MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent that the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Delaware.

OUR CONSTITUTION

Mr. CARPER. Mr. President, I rise to talk about the importance of our Constitution in Delaware, where we are reminded of that every year, at least once a year, on December 7, because that is Delaware Day. In Delaware, we celebrate on December 7, the day in 1787 when Delaware became the first State to ratify the Constitution. For a one week, Delaware was the entire United States of America. After a week or so, we opened it up and let other States in, including South Carolina. For the most part, we have been pleased with the way things turned out.

This year, Constitution Day is going to be commemorated not just in Delaware on December 7 but across the country on September 17. That will be Saturday. That is actually the day the Constitution was apparently signed back in 1787, up in Philadelphia.

If you visit the Senate today and all this week and you come into one of the galleries, if you walk in, they will give you a copy of the Constitution. Today I was bringing in some visitors, from Dover, DE, and I was given a copy of the Constitution with the amendments thereto. I was reminded that this commemoration of our Constitution for this year is probably by one of our colleagues in the Senate, ROBERT BYRD, who carries with him every day a copy of the Constitution a little bit smaller than this one. You have probably seen it, Mr. President. He pulls it out every now and then and waves it in our faces to remind us what it is all about. It is because of his love, really devotion, to the Constitution that we will be having a special commemoration on Saturday. I thank Senator BYRD for doing that.

I am a Delawarean who treasures what our Constitution does. It is the basic law of our land, the law on which all the other laws are built. The Constitution which is becoming the longest lived Constitution in the history of the world and Constitution most replicated by every nation on Earth is the one we celebrate this Saturday.

I wish to take a couple of moments to share and remind us again how the Constitution is introduced. It starts off—many of us know these words. In fact, many of us as schoolchildren, and our children as well, had to learn the preamble to the Constitution, which reads as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insuring domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do establish this Constitution for the United States of America.

“We the people,” those three words encapsulate the very essence of what makes America so wonderful. By presenting a united front, our Founding Fathers told the world that they stood together when creating this great country. I believe we need to recapture their spirit of reconciliation and to focus our energies on healing the rift that has developed in our current political climate, a rift that goes back to the beginning of this administration, the previous administration, and, frankly, for some time before that.

We have seen how powerful America can be when all of our citizens unite to focus and work toward a common goal. During this upcoming weekend, Saturday, September 17, I urge all Americans—not just my children who are in high school; not just other schoolchildren, but I urge all Americans from all walks of life to pause and contemplate principles of our great democracy of ours. By understanding our past, I believe we can navigate toward a better future and truly honor the philosophy and spirit of our Founding Fathers.

The first 10 amendments to the Constitution are called the Bill of Rights. They lay out some of the liberties that we take for granted, but people in other places around the world would love to have these liberties. They do not and maybe they will never. I hope they will.

But our Constitution has, among other liberties, the freedom to bear arms. It has the right to say what is on our mind. In fact, there are newspapers, television stations, our radio stations—all of us enjoy freedom of speech. People can vote for whomever they want. If they like the job we are doing, they can reelect us; if they don’t, they can throw us out and put somebody else in these seats. They can run for the job themselves.

They have a right to a jury by their peers. They have a right to be protected from unlawful searches without an order of a judge. There are all kinds of protections in our Constitution.

There is one given a little attention here locally, given a district court judge out in California. The question it raises is in the press of late, in the last 24 or 48 hours—again, I might add—the question of whether or not the Pledge of Allegiance to our flag, where we say “one nation under God,” is indeed constitutional.

I would have us go back to the beginning of our Nation’s history, when we were born as a nation. I would have us remember, when the first President, George Washington, was sworn in as we opened our office and they finished the ceremony—I think it was in New York City—they didn’t break up and go off to a bunch of inaugural balls. As I recall, they went to church.

Several years before that when they were up in Philadelphia and were trying to hammer out the Constitution itself, whenever they got into an especially difficult place, they would sometimes call a halt and say—drumming on the table—what are we doing and pray about it. They actually began a lot of their sessions with prayers, much as we begin our session in the Senate and over at the House of Representatives.

The folks who gathered up in Philadelphia all those years ago did not want to have a State religion. They didn’t want to have a “Church of America.” They didn’t want to have our version of the Church of England. They wrote that into the Constitution, literally in the first amendment. This is the way the first amendment starts:

Congress shall make no law respecting an establishment of religion.

If we go over the copy of the Constitution that we shared with the folks coming into the Senate today as visitors, we read the language alongside the raw language of the amendment and it says these words:

The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect. I am not a lawyer, certainly not a constitutional lawyer. But I think I
can read. When I read literally the words of the Constitution, I believe what our Founding Fathers were trying to do is to make sure we don’t establish in this country a church that somehow is sanctioned by the Government. They just didn’t want to go there. They happened to be in other countries, they didn’t want to have any part of that.

Having said that, our Founding Fathers were a religious people. They were people of faith, and they drew on their faith, frankly, in drawing up this document and trying to resolve their differences in reaching the core on this Constitution.

The Pledge of Allegiance. I don’t believe, existed when those folks were working on the Constitution. In fact, the words “under God” were only added, I believe, in 1954, some 51 years ago. I would ask, given the reliance on faith and people calling on their faith in 1787 when drafting the Constitution, how would they feel about a Pledge of Allegiance that said, “one nation under God” ? My guess is they would feel pretty good about it. Rather than saying that we ought to strike that language “under God,” they would probably say we ought to keep that in, and I would have to agree with them.

We will hear more about this issue going forward, I am sure. Hopefully, when we do, we will think back not just about the Constitution and what the words actually say in the first amendment, but we will also think back to the way people comported themselves and how they drew on their faith in 1787 as they wrestled with drafting this document and coming to consensus on this document. I think they would want the words “one nation, under God” to be in the Pledge of Allegiance if we were to have one.

We have all said it hundreds, probably thousands, of times. I think we got it right in 1954, and I think we ought to go that way.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

PLEDGE OF ALLEGIANCE

Mr. DeMINT. Mr. President, I appreciate the Senator from Delaware speaking about our Constitution and religious freedoms because I would like to follow his remarks. This week, Americans watching the confirmation hearings of Judge John Roberts witnessed something unique about his character, something we had seen before but that is now undeniable—his humility. I believe humility is a virtue that we should all feel as Americans. We should be humble in light of the blessings that we have in this great country, humble in light of the courage of our Founders, and humble in light of the wisdom of the drafters of the Constitution.

This country was founded on religious freedom by our Founding Fathers, many of whom were deeply religious. They wanted to create a place where they could worship without fear of persecution. Unfortunately, the Federal district court declared yesterday that the phrase “under God” in our Pledge of Allegiance was unconstitutional. This is so offensive and no less irrational than it would be to declare the Constitution itself unconstitutional.

The ruling by the Federal court in California is yet another example of the hostility toward a time-honored tradition. This tradition has been defended by numerous Justices, including Justice O’Connor, who said that eliminating such references would sever ties to a history that sustains this Nation even today. The Pledge of Allegiance began in 1892 as a patriotic exercise, expressing loyalty to our Nation. It is a part of an American tapestry of time-honored and historically significant traditions that have come to us in this country. By international standards, we are a young country. Yet we seem so quick and so willing to throw out parts of our heritage that our Founders recognized as important. “One nation under God” is a reminder no more than the embellishment or endorsement of religion than our national motto, “in God we trust,” which is here above our door and above the Speaker’s chair on the other side of the Capitol; or “God bless America,” the closing words often used by the President when making public comments or speeches.

The Declaration of Independence states that our rights are inalienable for one another. They are endowed by our creator with these rights. All of our references to God are the ways the Government properly and constitutionally acknowledges our religious heritage.

We are a great nation, but we are also one nation under God. We are filled with people who know how fortunate we are and how different our lives could be elsewhere.

This is why it is so important that we are reminded and that our children are reminded to be humble. Reciting that the United States is one nation under God is a statement of humility, a way of acknowledging that even as a world superpower, we recognize there is something bigger than we are, that our freedoms in this country come from God—not from Government. If we expel God from our public life, and if we lose humility that comes with the belief in a creator, our children and grandchildren will inherit an arrogant nation that has little hope for the future.

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

The PRESIDING OFFICER (Mr. DeMINT). Without objection, it is so ordered.
Europe has now entered its post-Christian era.

That is a very interesting statement, to think that Europe went through a pre-Christian era, then a Christian era, and now it is in a post-Christian period.

When you go throughout the great cities of Europe and look at the many churches, you find that most of them have been turned into concert halls, or tourist attractions, and they are not used for religious purposes anymore.

So why is Europe turning away from religion where America remains a strongly religious nation? I am sure there are many reasons, but the one that strikes me as cogent is the fact that we have never had a State church here in America. That means religions in America have had to compete for adherence in the public square on the basis of their doctrine, on the basis of their humanity and compassion, on the basis of their attractiveness to those who want to affiliate with them, whereas in Europe you are required by law to join a particular church in a particular country.

When the government and the church became intertwined together in that fashion, was it the point where the government provides funds for the church, that makes it unnecessary for the church to appeal to its adherents sufficiently that they will support it out of their own pocketbook, you get a corrupting influence.

It was very interesting to me to travel to Russia after the Soviet Union collapsed and spend some time talking with Russian officials about this very issue. The Russian Parliament had passed an act which I believed was violation of the notion of freedom of religion and I went over to visit with them to talk to them about it.

After having visits with members of the Duma as well as members of the Yeltsin administration and their justice department, I was assured they would lean on the concept of freedom of religion and that the law would not be used in any way to persecute certain religions that had come in from outside, once the Iron Curtain was over and religions were made welcome there.

But the interesting conversation out of all of that in the context of what I am saying here came from some individuals who were talking about the role of the Russian Orthodox Church in Russian life. After the fall of the Soviet Union, the Russians were making an effort to identify themselves once again as something other than Communists, trying to figure out who they were, asking the fundamental question: What does it mean to be a Russian? Of course, the members of the Russian Orthodox Church hierarchy said being a member of the Russian Orthodox Church is important to being a Russian. I have been told we do not want to be a State church again. We have been there, and we know how debilitating it is for the church to have government involvement in our affairs and to have government financing our affairs.

As we have this debate over the words that go into the pledge—a debate that I think will ultimately be settled in the end, whether the words ‘under God’ are in the pledge—let us take the occasion to remember why we have such religious strength in this country. It is the fact that we have had freedom of religion, and the garments of competition in the public square for their various adherents and not depending upon the Government for funding or direction, unlike many of the countries in Europe.

America is not in its post-Christian era the way Europe is, and, ironically, I think one of the reasons is because America has never had a government dictate of what that would mean, what religion ought to be. But again, every religion was saying: ‘I respect those who disagree with me and do not use Government affairs to persecute me for having chosen to believe, just as I say we must not use Government agencies to persecute those who have chosen not to believe.’

I yield the floor.

Mr. TALENT. Mr. President, I am here today to discuss a resolution, strongly disapproving of the recent decision by the U.S. District Court for the Eastern District of California that the Pledge of Allegiance is unconstitutional. I am hopeful that the Senate will pass this resolution later today.

The Pledge of Allegiance is a record of American values and history and the words of the Pledge still resonate in the convictions of Americans today.

For more than a century, the Pledge of Allegiance has included references to the flag, to our country having been established as a union ‘under God,’ and to this country being dedicated to securing ‘liberty and justice for all.’ The Senate believes, a resolution passed unanimously in 2003, that the Pledge is a fully constitutional expression of patriotism.

However, some of our courts have either no respect for or understanding of these clauses.

Several years ago—June 26, 2002—in what has become an infamous case, the Ninth Circuit Court of Appeals in San Francisco ruled the Pledge of Allegiance to be unconstitutional when recited voluntarily because it uses the phrase ‘one nation under God.’

On June 14, the Supreme Court at least temporarily preserved the phrase ‘under God’ in the Pledge of Allegiance, ruling that the plaintiff could not challenge the patriotic oath because he did not have standing in the case. This procedural ruling did not directly address whether the pledge recited by generations of American schoolchildren is unconstitutional. It left the Pledge vulnerable to another challenge.

Not unsurprisingly, on January 3, 2005, the same plaintiff and four others filed a second suit in the Eastern District of California challenging again the words ‘under God’ in the Pledge.

Yesterday, the Eastern District of California refused to dismiss the case, holding instead that the Ninth Circuit’s ruling in 2002—that the words ‘under God’ were constitutional—was still good law. The effect of the court’s ruling is that the Pledge has been deemed unconstitutional in three Sacramento-area school districts. This issue will likely be appealed to the Ninth Circuit again.

We are a nation of many faiths and beliefs. Tolerance for dissent is one of our great American values. But so is our common conviction that America is a nation that seeks the will and endeavors of God. The giving was turned into a providence. The fact that some might disagree with that conviction is not a reason to deprive the rest of us of our right to affirm it in the Pledge.

I hope this body will join me in expressing support for the constitutionality of the Pledge of Allegiance by passing this resolution that the Senate strongly disapproves of yesterday’s decision by the U.S. District Court for the Eastern District of California.

The PRESIDING OFFICER. The Senator from Illinois.

HURRICANE KATRINA

Mr. DURBIN. Mr. President, in a few hours President Bush will speak to our Nation about Hurricane Katrina, a catastrophe that has devastated the gulf coast and left all Americans deeply shaken.

For nearly a week, the entire world was watching in horror as tens of thousands of American citizens trapped by the floodwaters pleaded for rescue, for food, water, and medicine. This didn’t happen only in New Orleans. It happened in Slidell, in Jefferson Parish, in Pass Christian, LA, in Biloxi and Gulfport, MS, and countless other communities along the gulf coast. The devastation was so widespread.

We watched in stunned disbelief—hard to imagine that we were viewing our country, our neighbors as a great American city was turned into a toxic lake by a disaster that had been predicted for years. We saw families clinging desperately to roofs, pleading...
What do we need in America? What do we need from the President? Two words: unity and community.

Two days ago, President Bush said he takes personal responsibility for the Federal Government’s disastrous response to Hurricane Katrina. The governor of Louisiana said the same thing yesterday. So be it. They have accepted responsibility.

We need to know what happened. We need to know where we failed. But the finger-pointing should end as today.

I commend the President for acknowledging that the buck stops at the Oval Office. Harry Truman had that famous sign on his desk: “The buck stops here.” And the President, with his acknowledgment, said as much 2 days ago.

But responsibility is a word. What we need is accountability. Americans are united in our desire to help our fellow citizens, who have lost so much in this disaster, rebuild their lives and rebuild communities. National interest. More important, it is part of our national character. Americans do not turn their backs on their neighbors.

We want answers about the future of the gulf coast. But we also want and deserve answers as to how this catastrophe unfolded—not to point fingers of blame but to make sure we understand the shortcomings of government at a moment when America needed it the most.

Something terrible happened on the gulf coast. Government at all levels failed. The most basic test of government is to protect its people. Instead, we had unnecessary death, destruction, suffering, and loss. How could it happen in America?

After the London subway bombings in July, we called for increased spending for rail security in this country. There was a vote on it, but the administration said no. They said rail security was the responsibility of State and local governments.

In an interview with the Associated Press, Secretary Chertoff of the Department of Homeland Security explained that he could not focus on every threat. Then he said something which I am sure he regrets:

The truth of the matter is, a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people.

I am certain the Secretary would like to be able to retract those words. Then he said:

When you start to think about your priorities, you’re going to think about making sure you don’t have a catastrophic thing first.

Those are the words of Secretary Chertoff after the London subway bombing. Those were his words 6 weeks before Hurricane Katrina.

We are committed to the future of New Orleans and the gulf coast. But the American people also want to know what happened before and after Katrina hit. Why were we not prepared for such a catastrophe? How could our government at all levels have been so unprepared to respond? What did Congress do wrong? What did the Senate do wrong? What did each agency of government do wrong? What has been done with the billions of dollars we have spent on disaster preparedness since September 11?

We have created a new agency, and we have brought new agencies from other parts of the government under this roof. We have tried to make it leaner and meaner and more effective. Yet when we tested with Hurricane Katrina, it failed.

If our government can’t save us from a disaster that has been predicted for years—from a blip on the radar which was seen 48 hours before it caused any destruction in the gulf area how will this government save us from a terrorist attack with no warning whatsoever?

Asking those questions is not “playing the blame game.” It is accountability. It puts a responsibility on my shoulders as a minority Member of the Senate as much as any other Member of the Senate.

Hurricane Katrina has shaken our faith in our ability of the government to protect us. The only way to restore that is to get down to the bottom line and ask the hard questions.

You may recall after September 11 there was a suggestion that we have an independent nonpartisan commission to analyze what went wrong. Why didn’t our intelligence agencies gather the information to warn Americans in time? There was resistance to that idea from the White House. Yet we pressed forward. And the motivating force behind it was not only popular opinion but the surviving families of those who died on September 11. Those husbands and wives and extended family members came together and forced the creation of the 9/11 Commission.

We need another commission. We need an independent, nonpartisan commission in the mode and style of the 9/11 Commission. The force behind it should be the same: families coming together—those who have lost loved ones, those who have lost their homes and lost their communities—to demand of this government accountability at all levels: legislative, executive, local, State, and Federal.

It is regrettable; we had a chance to do this yesterday. Senator HILLARY RODHAM CLINTON of New York, who certainly understands the disaster of September 11, as does her colleague, Senator SCHUMER, said let’s put together this Katrina commission, this independent, nonpartisan commission. Unfortunately, it failed on a party-line vote yesterday in the Senate.

But that is not the end of the story. We will be back. We will be back with this commission proposal until we clearly do have an independent commission we can trust to analyze the situation.

Wouldn’t it be great tonight if the President, on national television, says...
he now understands we need a Katrina commission? And that it should be independent and nonpartisan, just like the 9/11 Commission? That would be a great way to start. There will be an independent inquiry into Hurricane Katrina because the American people will demand it. I hope the President tonight will announce that he supports a bill that Republican chairman Susan Collins of Maine, and Democrat Senator Joe Lieberman of Connecticut have introduced to increase Federal funding for the special inspector general that monitors reconstruction in Iraq so that office can also oversee spending on Hurricane Katrina relief and reconstruction.

The Katrina reconstruction effort will be the most ambitious Federal investment effort since the New Deal, the largest-ever Federal expenditure on a natural disaster. The special inspector general has the expertise and infrastructure in place now to monitor the billions of Federal funds that will be needed and make sure the taxpayers' dollars are not wasted.

FEMA has never had a sum of money like $60 billion. Trust me, having seen government at work for many years, you have to get up to speed and you have to have accountability or money will be wasted. Victims will not be helped when they should be.

In addition, Senators Obama, Carper, and Coburn have proposed their own bill, the Special Inspector General Act. The Senate is an ideal place to pass this legislation, and the House of Representatives needs to act on this bill as well. We know that the $62 billion in emergency funds Congress has already approved for Katrina over the last two weeks is a down payment. We're told that the President tonight will ask for another $50 billion, and the final cost of this catastrophe could reach $200 billion—more than we have spent in 3 years in Iraq to date.

Already we have heard troubling reports about contracts being awarded for Katrina work. Listen to this headline from Monday's Wall Street Journal:


That is a very disappointing headline. To think we would go down the same path of waste and abuse we have seen in Iraq now in our own country with Hurricane Katrina is unacceptable.

The lead in the story says:

The Bush Administration is importing many of the contracting practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

This was printed in the Wall Street Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. Journal in their news. It is not some political document. It is their analysis. 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I asked a question the other day of the Secretary of Defense. I am not sure he was happy with it. But I asked him: How far can we stretch the National Guard? In my State, 70 percent of the National Guard men and women have already served in Iraq or are currently serving there.

Now, of those who have come home, 1 out of every 10 are headed to the gulf coast. Many of them returned from Iraq a few months ago. They were getting reacquainted with their families and rebuilding their lives, taking care of their homes and undertaking new responsibilities in their communities, new jobs.

Now, with that spirit of voluntarism, they have stepped forward. But the obvious question is: How many times can we ask the National Guard to rise to this national challenge? How are we going to meet the recruiting goals when we are asking so much of these men and women.

Guardsmen, Coast Guard members, and so many others have been the heroes of Hurricane Katrina. They have saved thousands and thousands of lives, at great risk. But the Guard’s efforts were hampered by the fact that 3,000 Guardsmen from Louisiana and 4,000 from Mississippi were in Iraq, with their equipment, their humvees, their trucks, their helicopters.

The Army National Guard was woefully underequipped before the Iraq war started. It had only 75 percent of the equipment needed. Today, more than half of the National Guard’s equipment is either overseas or in need of major repair.

Now, we are watching Hurricane Ophelia off the coast of North Carolina. We pray it will not cause anywhere near the damage that it might. But we are positioning emergency personnel and the National Guard to respond.

Time and time again, we turn to the Guard for men and women. The obvious question is: How often can we ask them to perform this heroism? I think that is a legitimate question to ask this administration. When disaster strikes, the Guard is forced to move its people and equipment from farther away. As it does, it takes precious time and delays response.

The Guard estimates its equipment needs at $14 billion today to upgrade the equipment of the National Guard to where it needs to be. The President’s budget recommendation, is it $14 billion for National Guard equipment? It is $1 billion. So we are not preparing homeland security by equipping the National Guard with what they need today.

National Guard members do not lack for courage or commitment. They lack for equipment. The President should tell the American people tonight that he plans to ensure that the National Guard has what it needs to protect us at home.

Let me move to another issue that is affecting families and businesses across America. The average price of gasoline today is $1.40 higher than it was 4 years ago; for a gallon of gas, $1.40 more. Oil companies are announcing record profits. According to the Boston Herald, ExxonMobil is set to announce $10 billion in profits this quarter, after almost $9 billion in profits for the last quarter. They are making $110 million a day, and you know it because when you fill up your gas tank, you take a look at what you are paying. This money, frankly, is far in excess of what you companies have made in profits and more in net income than any companies in recent history in our country.

In Illinois, and across America, families have opened up their wallets for the victims of Hurricane Katrina. They should not have their pockets picked by a group of greedy oil companies.

Tonight, America wants to hear from President Bush the steps he is going to take to protect America’s families and guarantee Americans are no longer being bilked by oil companies. I certainly hope the President is willing to take them on. What steps will the President support to develop alternative fuels so we can reduce our dependence on foreign oil? What can we do to make certain we do not have to walk hand in hand with Saudi sheiks begging them for their oil for our economy? I hope the President will address that this evening.

Americans also want to hear President Bush explain how we are going to pay for the reconstruction of the gulf coast without shortchanging important national priorities and without burying our children and grandchildren in debt. In the 1990s, under President Clinton, we eliminated the Federal deficit. The Government was running a surplus. And we were actually paying down the national debt so our kids’ mortgage, our national mortgage would be lower.

In the 1990s, under President Bush’s watch, our national debt has increased by $3 trillion. That is a 50-percent increase in the cumulative debt of America’s entire history—50 percent under President Bush.

The Federal Government has to borrow $2 billion every morning just to keep operating. Some are predicting the cost of Hurricane Katrina could push the deficit up to $400 billion this year. We are looking at a flood of red ink this year and for years to come. Yet, incredible, there are those who think our top priority now should be cutting taxes for wealthy Americans. Imagine, no President in our history ever, of any administration, has cut taxes in the midst of a war.

This President continues to cut taxes as our deficits reach historic levels. And now, with Hurricane Katrina, we still hear Republicans on the other side of the aisle saying: Well, we have to give a tax break to the wealthiest Americans by eliminating the estate tax.

Accountability means responsibility. It means leadership. Tonight, when the President speaks to the Nation, he should announce he will refuse to sign any bill eliminating the estate tax or any other tax cut that provides a windfall for the very wealthiest among us, until we provide it for the neediest among us, the victims of Hurricane Katrina.

Let me conclude by reminding my colleagues of a statement of Bill Cohen. Bill is a former Republican Senator from Maine and former Secretary of Defense under President Clinton. This is what he said. This is “the Cohen Rule”:

Government is the enemy—until you need a friend.

The other day I read a variation of this rule. It was said by Senator Trent Lott, who is viewed as a very conservative Republican in this Chamber. Here is what Senator Trent Lott said:

You’re a fiscal conservative—until you get hit with a natural disaster.

In addition to houses and lives, one of the things swept away by Hurricane Katrina was the myth of this “ownership society,” which we have heard from the most conservative think tanks in Washington and from this administration. That is the point of view that says that less Government is always better, and we are all better off when we watch out for ourselves and our own families only and don’t worry about the other guy.

For many of the victims of Hurricane Katrina, the only thing less Government meant was less protection. What Americans need is not necessarily less Government, but smarter Government. We need a Government that is strong enough to protect us overseas and protect us at home, a Government rooted in the most basic American moral values, a tradition that goes back to the earliest days of our Nation: banding together in times of need, to do for each other what none of us can do alone—using our common wealth for the common good.

Americans want a Government that says: We are all in this together, not: We are all in this alone.

We have seen so much heroism from so many people during Hurricane Katrina. We have seen the overwhelming kindness of Americans toward the survivors, the overwhelming, spontaneous outpouring of contributions from people across America—from the major corporations with their millions of dollars to the kids on the corner selling lemonade—all of them trying to do their part to help their neighbors, the most vulnerable in America, the victims of Hurricane Katrina.

America is yearning for a leadership and a leader that will speak to that spirit of unity and community. We will listen closely tonight for it.

The “ownership society” is not the right answer—it never was. Nor is there a national tragedy to try to divide Americans a good idea, when we yearn to be drawn together, not pulled apart.
We understand there are some challenges so enormous that none of us acting alone can meet them. We believe in sharing our blessings and our burdens. We believe in shared sacrifice.

There was a story in the Washington Post last weekend, the headline was “The Nation’s Capital Confesses”. It was a story about some of the people who were left behind to fend for themselves in New Orleans when the floods came. The reporter described a man who felt so guilty about the pita bread, water, and juice that he looted from a Walmart to feed his family that he kept a list, so he can pay it back later. “I feel like an American again,” the man said on TV after help finally began to arrive. “I thought my country had abandoned me.”

Government at all levels failed during Hurricane Katrina, and tens of thousands of Americans were left with that same terrible fear—that their country had abandoned them. But we know from experience that when Americans pull together, we can overcome any obstacle. We have done it so many times in our history. The urgent task facing the President tonight, and facing every leader in Government, every Senator, including this Senator, is to show the American people, not just in words but with actions, that we will not allow this tragedy to be repeated.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Chafee). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I have come to the floor to join with the distinguished assistant Democratic leader in his conscientious and continuing concern for the victims of Hurricane Katrina.

I have seen the Senator from Illinois on the floor day after day, raising these questions, addressing these concerns. I understand tomorrow the Senator from New Orleans is going to tour the area personally, with Senate leadership, to see what needs to be done there to address the human suffering. I hear in his voice, and know from his longstanding commitment to the people of Illinois, the depth of his own heartfelt concern for their problems and his passion for their suffering and to do what we can, what we must, to address those problems.

I look forward to hearing from the Senator, after his return from New Orleans and that area, as to what we can do more effectively—all of us as leaders in the Senate, all of us working together, all of us as Americans, not as Democrats or Republicans, not as partisans but as patriots—on behalf of all the people in need.

I share his concern. What prompted me to come to the floor is I heard the Senator speaking about some of the difficulties in getting some of the necessary information in order to perform our responsibilities as Senators. I share that frustration, or at least let me express my own frustration because as a member of the Senate Committee on Homeland Security and Governmental Affairs which has, under the Senate’s organizing resolution, the responsibility and the authority to oversee the Department of Homeland Security as well as FEMA, the Federal Emergency Management Agency, which is under the President, that I have been enormously dismayed by the unwillingness of the Senate Republican leadership to permit that committee to do what is responsible to do, which is to hold oversight hearings and to understand what is happening not only in that flood-ravaged part of the country, and also to find out what must be done not to look at just failures—also, you hear about successes—not to point fingers of blame, but to exercise our oversight responsibility, particularly given that we have now, this body, at the President’s request, appropriated almost $63 billion of taxpayers’ money to address these critical emergency needs.

I do not know if we need to add at this point the need to act quickly. And we have done so. But to deliver that much money—Federal taxpayers’ dollars—to the responsible agencies without any oversight, without any questions asked or answers provided about what is being done with that money, and particularly to hear the Senator from Illinois describe published reports of sole-source contracting with organizations that have political connections with the President, I find it to be shocking and appalling we have not exercised that responsibility.

I would ask the leader, and others responsible for these decisions, about when we will be holding public hearings in that committee to authorize our proceeding to do so with those who are directly responsible for the recovery efforts.

None of us wants to disrupt the recovery efforts in the southern part of the country, efforts that have been disrupted enough already by what has failed to be done there, without any involvement by any of us. But I find it perplexing that Cabinet secretaries who have enough time to appear on Sunday talk shows and who are also clearly not in Louisiana or Mississippi day and night, 7 days and nights a week around the clock, have, while they are here in Washington, not a single hour available to appear before our committee. When they do appear, and answer the questions I have, that I know other members of the committee have, and that the American people have, we deserve—most importantly, the American people deserve—answers to these important questions.

Yesterday, we had, after now 2½ weeks since those levees failed in New Orleans, the very first public hearing of this committee. We had a former Governor of California, a former mayor of Grand Forks, ND, a couple of other wonderful former public servants who have expertise from their own past experiences, but not a single one of the people on that panel had any responsibility for the public response to Hurricane Katrina. Similarly, not a single person with public responsibility for that response was willing to appear on that committee.

It was 9 days ago that we had before a number of us Senators 10 Cabinet secretaries responsible for the Joint Chiefs of Staff, and the head of the National Guard to brief us on the situation right here in the Capitol, but they were not willing to appear in a public setting, even though there was not a single member of the Senate Republican leadership that could not and should not have been witnessed and heard by the American people.

A week ago we had the Director of Operations for FEMA and the Deputy Commandant of the Coast Guard appear before the Committee on Homeland Security and Government Affairs, but they would not appear in a public setting. The briefing was behind closed doors. The public and press could not witness what they had to say. We have had none on this committee or any other committee that I am aware of—certainly none on which I serve, including Armed Services—have a single administration official willing to appear before us in a public setting and provide us with the information we desire, to allow us to ask questions and to provide answers in front of the committee and the American people. I find that unacceptable.

Again, I urge the Republican leadership of the Senate to authorize that committee to proceed as we are responsible to do, to join us and members of the committee, insist that the administration provide us their top officials. When they are not in New Orleans or Mississippi, when they are here in Washington, come up for an hour, an hour and a half, to begin with, keep each of those Cabinet secretaries who were present 9 days ago, ask each one of them to come up and tell us in a public setting what their agency is doing to respond, what do they need from us, whether it is funding, legislation, removal of regulations, restrictions—tell us what you need from us in order to be more responsive and more effective in the Federal response to the emergency that persists. Come before us in a public setting, as public officials, as those who are responsible for the Federal response. Let us ask the questions we must to fulfill our oversight responsibilities, and let’s start providing some public answers to the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bennett). Without objection, it is so ordered.
MORNING BUSINESS

Mr. FRIST. Mr. President, 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.

CONSTITUTION DAY

Mr. FRIST. Mr. President, on Saturday, the Nation will observe the 218th anniversary of the signing of the U.S. Constitution.

In previous years, September 17 has been designated "Citizenship Day." This day on which all Americans were encouraged to pay special attention to the rights and responsibilities of citizenship.

This year, for the first time, we celebrate September 17 as "Constitution Day and Citizenship Day." This special focus on the Constitution came about as a result of an initiative sponsored by our senior colleague from West Virginia. The Consolidated Appropriations Act for Fiscal Year 2005 provides that each educational institution receiving Federal funds during a fiscal year will conduct a program of its own devising on the Constitution. Also, each Federal department and agency, in connection with this special day, will make available educational materials on the Constitution for its employees.

Today, we have placed on the desk of each Senator two documents. The first is an annotated copy of the Constitution. The second contains the record of the 1787 constitutional convention as pertains to the powers and responsibilities of the United States Senate. In the spirit of this first Constitution Day, I hope all my colleagues will take the time to examine both of these fundamental documents.

HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, I rise today to honor the work and achievements of Hispanic Americans. Every year since 1968 Americans have formally recognized the importance of Hispanic heritage and the contributions of Latino members of society.

Hispanic Heritage Month allows the Nation's 41 million Latinos, along with all Americans, to celebrate Latino community and culture.

As the fastest growing population in America, Hispanics have the potential to significantly impact society through their hard work, commitment to faith and family, and the deeply rooted values that are the foundation of our country.

Descending from the thousands of people who fled persecution in Spain, the Hispanic heritage is one of a people who have sought to build a better life for their children. This month, we freely recognize the achievements of our Hispanic brothers and sisters.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I rise with a heavy heart to honor the life of SERGEANT ARTHUR RAY McGILL. Sergeant McGill spent most of his childhood in the small Arkansas town of DeSoto. Those who knew him best would describe him as a quiet and patient young man who was always considerate of others and treated them with respect. He attended Decatur High School and although he left after his 10th grade year, he went on to earn his general educational development diploma at the age of 17. Soon after, he joined the Arkansas National Guard, where he would serve for 6 years prior to enlisting in the U.S. Army in November 2002.

In his free time, "Ray" or "Big Country," as he was known to friends and family, had a love for archery and could often be found playing video games or reading the comic books of his favorite superhero, Spiderman. But above all, his greatest love was his family, particularly his 7-year-old daughter Kaylee. Her welfare was her father's greatest concern, and she knew that he could always be counted on to protect and care for her as best he could.

Sergeant McGill reported for duty in January of 2003 and was deployed for service in Operation Iraqi Freedom. He was one of the soldiers in the initial waves of American troops into Baghdad, and served in the area until that August. Sergeant McGill returned to Iraq in January of 2005. In explaining his decision to reenlist for a second tour of duty to his loved ones, Sergeant McGill spoke of his feeling of being needed in Iraq, and that "he simply needed to do his part and was proud to do so. He would also speak of his future after the Army, when he hoped to study criminal justice, buy a home, and become a member of the U.S. Border Patrol in New Mexico.

Throughout his military service, Sergeant McGill's hard work and dependability quickly earned him the respect and loyalty of his fellow soldiers. They even began calling him "Tizzley," a combination of a teddy bear and a grizzly bear, which aptly described the 6'2" soldier who had a heart of gold. Though the comradeship with his fellow soldiers grew, Sergeant McGill was still a threat to his diabetes, asthma and hypertension.

This morning, I had the pleasure of meeting three women from Illinois about to graduate from the National Hispana Leadership Institute. Juanita Irizarry is the executive director of Latinos United, a housing policy and advocacy organization in the Chicago area. Eva Serrano is director of community and school partnerships at Aurora University. Elena Tijerina is a partner at Lucent Technologies. These women are already participating in civic, business and community affairs, moving forward in leadership.

We are fortunate to have them in Illinois.

I also must mention my friend Al Galvan. Al is a veteran of World War II and the founder of the first Hispanic organization for Hispanic American veterans. The Illinois Hispanic Chamber of Commerce recently bestowed its life-time achievement award on Al Galvan.

Despite the remarkable accomplishments of many Hispanic leaders, Hispanic Americans still face daunting challenges, including the 14 million who do not have health coverage, as well as dangerously low levels of income. But they are rising to face these challenges—the rate of minority enrollment in post-secondary institutions continues to grow, as does the number of small businesses owned by Latinos.

Hispanic leaders are recognizing the problems faced particularly by Latinos and are offering specific solutions.

Aida Gianchello led the charge to serve struggling neighborhoods in Chicago by setting up three diabetes-focused self-care centers which each reach about a thousand residents a month, many undocumented and uninsured.

Individual efforts, like those of the Illinois leaders I have mentioned here today, make me proud to acknowledge the work and achievements of Latinos throughout Illinois and the country. It is only with the continued dedication and appropriate appreciation of Hispanic Heritage that the Latino culture will grow and thrive in America.

Mr. President, I rise to highlight a separate hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Like most Americans, I have friends and family who are members of the Latino community. I have neighbors who are Latinos, and I care deeply about them.

I would note that yesterday in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead, I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

HONORING OUR ARMED FORCES

ARTHUR RAY McGILL

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the life of SGT Arthur Ray McGill. It is the story of a carefree and loving young man from northwest Arkansas, who was devoted to his family and always put them above all else. It is also the story of a trustworthy and brave soldier, who honorably served his Nation in uniform, and ultimately gave his life in the name of freedom.

Sergeant McGill spent most of his childhood in the small Arkansas town of DeSoto. Those who knew him best would describe him as a quiet and patient young man who was always considerate of others and treated them with respect.

He attended Decatur High School and although he left after his 10th grade year, he went on to earn his general educational development diploma at the age of 17. Soon after, he joined the Arkansas National Guard, where he would serve for 6 years prior to enlisting in the U.S. Army in November 2002.

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world away from his family and they were never far from his mind. While in Iraq, he had a habit of sending gifts and money back home to provide for them and spoke to them often by phone or through instant messenger on his computer. To make him feel closer, his mother sent a 4 gigabyte CD-ROM to Iraq, which he spent a good deal of his free time enjoying; it contained over 500 issues of “The Amazing Spiderman” and was never far from his side.

Tragically, Sergeant McGill was killed on July 19 when a roadside bomb exploded near his vehicle while he was patrolling through the streets of Baghdad. Back in Arkansas, friends and family came to show their respects and bid farewell to their fallen soldier, as his flag-draped coffin was buried at Fayetteville National Cemetery. Kaylee, who had been the love of her father’s life, was presented with an American flag and her father’s dog tags, and the Bronze Star and Purple Heart he had earned through his courageous service to our Nation.

Although her father may no longer be with us, I am hopeful that these items will forever remind her of the courageous and noble way he lived his life. Words cannot adequately express the sorrow felt in the hearts of the family and loved ones of Arthur Ray McGill, but I pray they can find solace knowing that his spirit will forever live on in the examples he set and the many lives he touched.

HURRICANE KATRINA

Mr. DOMENICI. Mr. President, I rise to address Hurricane Katrina—what we have been doing and what we should do next. Much has been said on this floor about good, and bad, responses to Hurricane Katrina.

This morning I would like to reflect on the good responses. I would like to mention a few stories of self-sacrifice and generosity made by some people from my home State of New Mexico. A team from Sandia National Labora-
tory’s and Los Alamos National Lab-
oratory’s National Infrastructure Sim-
ulation Analysis Center is helping to determine the impact of Hurricane Katrina on electric power infra-
structure and oil and gas infrastructure. The Office of Naval Research deployed an Eight Man Unit for Water Purifi-
cation from Alamogordo to create pot-
table water from brackish water in Mississippi. Evacuees have been wel-
come to our State. In one of the many shows of financial generosity by New Mexico’s, the San Juan Portfolio has dona-
ted $1 million to the American Red Cross. As another example, earlier this month two Dona Ana County Commissi-

ers plan to donate their salaries for the rest of this year, totaling almost $12,000, to Katrina victims.

Many first responders, officers, fire-
fighters, and other first responders from across the country are aiding in recovery efforts. One such group is from Bernalillo County, NM. The Bernalillo County Sheriff’s Office and Fire Department sent 43 individuals to New Orleans, including 3 civilians and my good friend Darren White, who is the Sheriff in Bernalillo County. The Bernalillo County team did not deter him from his mission. Instead, he stayed in New Orleans to continue helping with the team’s rescue efforts, which saved more than 200 people. Stories like this make me extremely proud of New Mexico’s brave law officers.

The list does not end there. The New Mexico Disaster Medical Assistance Team provided medical care in Lou-
issiana. Task Force New Mexico, made up of National Guardsmen, is helping a Louisiana parish get back on its feet. New Mexico Task Force One, an elite search and rescue team, assisted in recovery efforts. This team may sound familiar because New Mexico Task Force One was sent to the Pen-
tagon following the September 11 at-
tacks to help with rescue and recovery efforts there.

Finally, I would like to quote September 12, 2005 USA Today news clip-
ing I found particularly striking. A “disaster response director for the San Juan County Red Cross watched as two young boys from Farmington emptied their piggy banks... the boys were determined to take one of their own money, $32 total, to victims of Hurricane Katrina.” The parents of these two Farmington, New Mexico boys should be very, very proud of their sons. I cer-
tainly am.

This, of course, is not an exhaustive list of New Mexico’s contributions to Hurricane Katrina relief efforts, and I know that these stories are not unique to my home State. Many people across the country have responded with simi-
lar acts of courage and kindness. I would like to take this opportunity to say thank you to all of the people from New Mexico and from across the country who are helping with Katrina relief and recovery efforts.

I would also like to mention a few of the many Federal actions taken in re-
sponse to Hurricane Katrina. Mr. Presi-
dent, 50,000 people have been rescued, and 33 million liters of water and 22 million meals have been distributed. U.S. military personnel, Federal law enforcement officers, and other Federal employees have gone to the gulf coast to help people like Sheriff White with rescue, recovery, and security efforts. Federal projects have provided millions of dollars in grants for emergency energy assistance, agricultural aid, Head Start programs, and job creation. The Federal Government has done much more, including appropriating more than $22 billion in emergency funding for the Gulf coast region.

It should be noted that these billions of dollars are being provided for imme-
diate needs; the monies do not include funds for any long term rehabilitation or reconstruction projects along the gulf coast. However, such sums will be needed soon, as we face the most diffi-
cult long-term situation that America has ever confronted on her own soil. The affected area to coordinate Federal, State, and local actions and report on reconstruction efforts.

I am not asserting that control should be taken away from the States and cities that were directly impacted by Katrina. Nor am I advocating that this person should play any role in review-
ing the local, State and Federal responses to Katrina or in recom-
pending any policy changes that may need to be made because of those re-
sponses.

However, I do believe we need some-
one who can oversee the numerous Fed-
eral projects and Federal funds that will be associated with the rebuilding efforts.

I believe that a similar office is needed to oversee the long-term, multi-
state rebuilding efforts associated with Katrina, and I have urged President Bush to create such an office by Execu-
tive Order. We are facing an important time in this country, and we must carefully choose how to proceed. I am convinced that the creation of a cen-
tral office to coordinate the gulf coast rehabilitation is the proper way to move forward.
that a total of more than 370,000 students across the region have been displaced, and many of them will have to spend the entire school year attending a different school. I commend the school districts around the affected area and for the students displaced by Katrina, starting school may be the first step in restoring a sense of routine and a small measure of normalcy. Many of these students are separated from family members and friends and from familiar teachers, counselors, coaches, and other school personnel as they begin classes in another State or in another school district. We should make every effort to assist the schools that are welcoming them with open arms as they work to make this transition as smooth as possible.

For these reasons, last week I sent a letter to the Secretary of Education, which I am pleased was cosigned by the senior Senator from Illinois, Mr. Durbin, asking that the administration request dedicated education funding for schools in the affected areas and for the States and school districts that are enrolling these displaced students. Our letter also requested that the Secretary use her statutory authority to waive for 1 year the accountability provisions in the No Child Left Behind Act for the schools in the affected areas and for the school districts that are enrolling the displaced students.

Hurricane Katrina and its aftermath also remind us of the importance of the availability of school counselors, psychologists, and social workers to meet the recommended student to professional ratios for those positions. I will talk more about the importance of providing promised Federal funding for education programs later in my statement, but I just wanted to touch on counselors and the hard work they do to ensure that schools have the ability to assist the affected area—are experiencing. Family members or friends who lived in areas affected by Katrina are coping with the tragedy that they may be the first step in restoring a sense of normalcy.

As we witness the concerted effort by so many local school districts and States to provide education for students displaced by Hurricane Katrina, we are reminded that throughout our Nation’s history, the education of our children has been viewed as a largely local and state responsibility, and the Federal Government has wisely left decisions affecting our children’s day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity and to protect the rights of all children and by providing additional resources for schools and for such related activities as teacher training. The Federal Government has a long history of assisting local and State governments in their effort to provide a high quality public education for each child. And we have such an opportunity now to support local efforts by providing funding to the states and school districts that are affected by Hurricane Katrina. I support such efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements, going so far as to call it “the most important Federal education reform in history.” I respectfully disagree with the President’s assessment of this law, which in practice the effects of this law are beginning to reverberate throughout Wisconsin and throughout the country.

As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear again and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin. And the people of Wisconsin are not alone in their concern about the consequences of this legislation. For example, the St. Petersburg Times notes that “[i]t’s not unusual for states to chafe at federal rules. But the state revolt against the federal law that filled America’s classrooms with standardized tests is unprecedented. Forty-seven states are questioning or rebelling against the most sweeping education reform in a generation.”

In Utah, for example, the State legislature passed and the Governor signed into law a bill that clarifies that State education policy has precedence over Federal education laws. Colorado is allowing individual school districts to “opt out” of NCLB. And the State of Connecticut recently filed a lawsuit in Federal court that argues that the law is illegal because it constitutes an unfunded Federal mandate on States and school districts. The National Education Association had previously joined with a number of local affiliates and school districts from around the country in filing a similar lawsuit.

It is important to note that the Department of Education has made some effort to provide flexibility on some of the provisions of this law in response to a flood of requests from States and school districts around the country. But this flexibility has been narrow in scope and has largely ignored the central concerns of States and school districts, including insufficient Federal resources to help schools comply with the law and the likelihood that no State or district—now matter how great their efforts or their educational progress—will be able to keep up with the law’s ambitious accountability provisions, including the well-intentioned yet almost wholly unachievable requirement that all students be proficient in reading and math by the 2013-2014 school year.

While I think we all agree that schoolchildren should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as increased funding for Title I and for afterschool programs. I oppose this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local schools and districts. As educators, students, and parents across the country know all too well, this law mandates that students be tested in science at least once every other year instead of every year as is mandated by NCLB. I support some aspects of this law, such as increased funding for Title I and for afterschool programs. I oppose this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local schools and districts. As educators, students, and parents across the country know all too well, this law mandates that students be tested in science at least once every other year instead of every year as is mandated by NCLB.

This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this, and states and school districts are rightly concerned about the effect that this additional layer of testing will have on classroom education.

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to help these school succeed that were promised as part of NCLB. I am deeply concerned that the President’s budget requests for each of the fiscal years since NCLB was enacted have not provided the funding levels promised by that law, and, in fact, provided no funding for a number of important programs included in that law.

I began to hear concerns from Wisconsin constituents more than 4 years ago when the President first proposed his education initiative. And these concerns have only increased as my constituents continue to learn first hand what this law means for them and for their students and children. While Wisconsin constituents support holding schools accountable for results, they are rightly troubled by the focus on testing that is the centerpiece of the President’s approach.

In response to these concerns, in past years I introduced with Senator JEFORDS and others the Student Testing Flexibility Act, which would have allowed States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional testing required by NCLB in order for them to maintain their existing testing programs. In addition, this bill would have allowed States to keep the federal money allocated for developing and administering these new tests and to use that money to help schools and districts that are not meeting their AYP goals. While we have not reintroduced the bill this year, we remain committed to restoring to States and local school districts the decisions over the frequency and magnitude of testing.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pension Committee requesting that the committee consider the issues on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goals for proficient reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is so low below the agreed-upon authorization levels for crucial programs such as title I and special education is having on schools’ ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and the Individuals with Disabilities Education Act; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of NCLB on the everyday classroom experiences of students and teachers. I have heard from my many constituents seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students who are a reflection of the curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in NCLB will produce a generation of students who know how to take tests, but not necessarily the skills that are necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

I am particularly disturbed that this appears to be only the tip of the testing iceberg. In his fiscal year 2006 budget request, the President proposed expanding this testing program to additional high school grades. We should not expand the NCLB testing mandates further through the budget and appropriations process, and I am pleased that neither the House-passed nor the Senate reported Labor-Health and Human Services-Education Appropriations bill includes this funding.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on ensuring that students pass a test to help them have the skills that they need to succeed. The Federal Government, standardized tests measure performance on a particular day under particular circumstances. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or even the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these teachers, and schools. And to compare the test scores of this year’s third graders to those of next year’s third graders does not provide an accurate picture of educational progress.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

PROTECTING RELIGIOUS FREEDOM

Mr. SANTORUM. Mr. President, here in the United States we cherish and protect religious freedom. Citizens of this great Nation exercise this freedom in many places—in their homes, in their workplaces and many more. But no place is more commonly the location of reflection and prayer than the houses of worship—be it the church or synagogue, mosque or temple. The houses of God are infused with sanctity—not because of their architecture or their art or even holy books housed in them—they are sacred because it is where we men and women go to connect with something transcendent. We go there to seek comfort and peace. This is, of course, not only true of houses of worship in this country, but throughout the world. It is thus with a heavy heart that I come to the floor today to discuss the desecration of synagogues that was perpetrated earlier this week in Gaza. After painful deliberations in Israel’s Cabinet, the government of Israel decided to leave standing nineteen synagogues in its twenty-one communities throughout the Gaza Strip rather than lending a hand to their destruction. Despite official Israeli requests to protect the sanctity and security of the holy sites after it courageously withdrew from Gaza, the Palestinian Authority rejected out of hand any responsibility and refused to protect the structures from arsonists and looters. In fact, a Palestinian police officer, tasked with keeping the peace, shirked his responsibility and allowed the mobs to torch the synagogues, claiming, “The people have a right to do what they’re doing.”

Those acts should offend all people of good conscience. We know too well how necessary it is for Israeli communities to be able to worship undisturbed. In every community, are places where people gather to serve and worship God, seek his counsel, and share common religious experiences. As an American
nomination

Ms. Myers, you have been nominated to lead Immigration and Customs Enforcement, an agency that is currently facing significant financial and human resource management challenges.

While every nomination considered by the Senate is important, I believe that today’s hearing will be watched carefully by the American people who are looking to this Committee to make sure we ask the appropriate, and sometimes tough, questions. The people of Hawaii, like all Americans, want to make sure that DHS has the necessary experience and qualifications.

The creation of DHS in 2003 was the largest reorganization of the federal government since the Department of Defense was established in 1947. The merging of 22 legacy agencies into a single agency has created management challenges that DHS will face for years to come. Because of these significant challenges, DHS needs strong leaders. A candidate needs extensive experience managing people and budgets in addition to having experience in immigration or law enforcement or intelligence.

I am especially concerned about the current state of ICE, which is the second largest federal law enforcement agency with a $4 billion budget and over 15,000 employees in over 400 offices around the world.

ICE has experienced a financial crisis and extraordinary problems.

Financial difficulties have resulted in hiring freezes and reductions in training, bonuses, and travel. ICE’s financial crisis has resulted in DHS reprogramming $500 million in FY 04 and FY 05 funds and requesting an additional $257 million in the April 2005 emergency supplemental. Despite assurances that ICE’s financial problems have been resolved, DHS Inspector General Richard Skinner testified in July 2005 that ICE cannot properly account for millions of dollars and the agency’s financial management system is vulnerable.

ICE needs strong, experienced leadership to repair these management problems.

Mr. Baker, the Administration has submitted legislation to the Congress that this Committee is now considering which would establish an Under Secretary for Policy and Planning Office, elements of the Border and Transportation Security Office of International Enforcement, the Office of Immigration Statistics, and the Office of Homeland Security Policy and Planning Office. In addition, the Secretary is proposing to add a strategic policy planning office and a refugee policy coordinator.

This unprecedented range of new responsibilities and will require someone with extensive management experience and vision.

I would argue that the key focus of this office should be on strategic planning. Given the nature of the Department’s enormous breadth of responsibilities, someone is needed who can provide focus and direction to the mission of preventing and responding to terrorist attacks and natural disasters.

Mr. Baker, you are being nominated for the position of Assistant Secretary with the expectation of moving into the Undersecretary position should the Congress pass the reappointment. One of the issues this Committee will have to address is whether you will need to be reconfirmed at a later date for that higher position should you be confirmed for the Assistant Secretary position.

One of the lessons learned from the Hurricane Katrina response is that the senior officials of an agency should have demonstrated leadership skills. The positions of Assistant Secretary for ICE and Assistant Secretary for Policy are no exception.

I would like to draw the attention of my colleagues to one measure of leadership skills: the standards the Office of Personnel Management has developed for the government’s career Senior Executive Service (SES).

To qualify for an SES position, a candidate must possess the following five executive qualifications: leading change, leading people, driving results, having business acumen, and building coalitions/communications.

SES candidates demonstrate these qualifications through experience in key executive positions such as leading others to rapidly adjust organizational behavior and work methods; supervising and managing a diverse workforce; developing strategic human capital management plans; establishing performance standards and plans; managing the budgetary process; overseeing the allocation of financial resources; and developing and maintaining positive working relationships with internal groups and external groups such as Congress, the Office of Management and Budget, and the White House.

These qualifications and experiences help ensure that the federal government’s senior executives have the ability to establish a clear vision for the organization and to drive others to succeed. While political appointees are not required to meet these qualifications, I believe it would be difficult for an agency head to be successful without them.

I look forward to this opportunity to hear from Mr. Baker and Ms. Myers. Thank you Madam Chairman.
TRIBUTE TO GENERAL RICHARD B. MYERS

Mr. ROBERTS. Mr. President, I rise today to recognize and pay tribute to General Richard B. Myers, Chairman of the Joint Chiefs of Staff, for his lifetime of service and unfaltering dedication to the United States Armed Forces and their mission.

As both a soldier and a leader, spanning 40 years of military service, General Myers contributions to our peace and security, and that of our children and grandchildren, are a remarkable hallmark in military history. During trying times, under sometimes harsh scrutiny, and with high national security stakes at hand, General Myers has repeatedly shown his Kansas common sense, leading our military through two wars and a host of other challenges with a steady hand.

Dick Myers was well prepared for leadership. Born in Kansas City, MO, in 1942, General Myers graduated from Shawnee High School in Oklahoma City and attended Kansas State University, where he enrolled in the Air Force ROTC and was commissioned second lieutenant in 1965. After his commissioning, General Myers entered pilot training at Vance Air Force Base, Oklahoma. As a command pilot, he logged over 4,000 flying hours, including 600 combat hours over Vietnam and Laos. Serving in a wide variety of assignments over the next several decades, General Myers assumed the duties of Vice Chairman of the Joint Chiefs of Staff in March 2000.

On October 1, 2001, just weeks after the September 11 terrorist attacks, General Myers was named the 15th Chairman of the Joint Chiefs of Staff. As the first Vice Chairman to ascend to the office, General Myers served as the principal military advisor to the President, the Secretary of Defense, and the National Security Council, and played a critical role in planning and execution of the Global War on Terrorism, including the important Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.

During General Myers tenure as the chairman, he was constantly faced with unique challenges and responsibilities with both frustrating and emotional circumstances, from the worst terrorist attacks on the United States in our proud history to fighting overseas against terrorists and the enemies of freedom and democracy. Yet, despite all of the challenges, General Myers maintained a positive, forward looking determination and attitude, and never faltered in his responsibility to our men and women serving in the armed forces today.

General Myers tenure and accomplishments were not limited to the Global War on Terrorism, including operations in Iraq and Afghanistan. Under General Myers leadership, the Joint Staff produced a far-reaching National Military Strategy, complemented by a National Military Strategic Plan for the War on Terrorism, to guide the Armed Forces for the challenges of the 21st Century. This strategy serves as a template for the Global War on Terrorism, and was and will be truly instrumental in bringing freedom to the people of Iraq and Afghanistan.

General Myers oversaw the establishment of the United States Northern Command, or NORTHCOM, the first combatant command responsible for the homeland defense of the continental United States. As part of this effort, the chairman advocated joint war fighting among the services and called on the entire U.S. Government to expand the culture of jointness in the interagency and international communities. General Myers truly shown great leadership in his efforts to transform and modernize the military.

General Myers should also be recognized for his humanitarian role—a mission many times missing from the headlines. In late 2004, in response to the horrific events surrounding the Indian Ocean Tsunami, General Myers oversaw “Operation Unified Assistance”, the largest coordinated and executed relief effort since the Berlin Air Lift. Designed to enable more than 15,000 Department of Defense personnel, 130 aircraft, and 20 United States Navy warships to distribute more than 400,000 gallons of water, 2,000 tons of food, and almost 3,000 tons of other supplies to those in need, the mission was a success.

General Myers impeccable service and brave leadership are also reflected in the awards and decorations he has received throughout his career. General Myers is the recipient of the Defense Distinguished Service Medal with two oak leaf clusters, Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross with oak leaf clusters, Meritorious Service Medal with three oak leaf clusters, Air Medal with eight oak leaf clusters, Air Force Commendation Medal, Joint Meritorious Unit Award with four oak leaf clusters, and Conspicuous Service Award.

Mr. President, today I have mentioned but a few of General Richard Myers numerous accomplishments. I not only consider General Myers a strong military leader, in times of both war and peace, and a critically important person in the defense of our great Nation, I am privileged to call him a friend and a colleague. I have often compared him to the character of General Patton. As the chairman of the Joint Chiefs of Staff, General Myers serves as a template for the Global War on Terrorism, and was and will be critical to our men and women serving in the armed forces today.

Our Nation is proud of General Richard B. Myers. He has served our Nation with integrity, honor, and distinction in his military career.

ADDITIONAL STATEMENTS

TRIBUTE TO CPT WILLIAM “BILL” MARCLEY

Mr. DEMINT. Mr. President, today I wish to congratulate CPT William F. “Bill” Marcley for his 38 years of service and commitment to saving lives and advancing emergency medical services.

Bill began this selfless work in 1967 after he and his wife were involved in a serious car accident, by turning the experience into an opportunity to serve as a volunteer on the Inter-City First Aid Squad in Lake Park, FL. After helping establish paramedic systems in four counties in Florida, Bill and his family moved to South Carolina in 1977, where he would serve three counties over the next 28 years in many capacities, including director of Fairfield County EMS and EMS Operations Manager in my home county of Greenville.

In addition to his full-time positions, Bill has found time to serve his community as United Way Coordinator for the Department of Public Safety, chairman of “Operation Heartbeat” for the American Heart Association, EMT instructor at Greenville Technical College, and he annually conducts over 100 special programs promoting public safety and emergency medical service education.

On behalf of myself and the State of South Carolina, I thank and commend Captain Marcley for the many contributions he has made in the lives of countless South Carolinians. Although he officially began his retirement on September 9, 2005, I know that his service to South Carolina is far from over, and I wish him and his wife, Arlene, many more happy and productive years together.

TRIBUTE TO PAT BOONE

Mr. INHOFE. Mr. President, I rise today to pay tribute to acting and music legend Pat Boone.

While most of us remember him as one of the greatest singers of the 1950’s, he is also known for his abiding Christian faith and strong moral standards which have sustained him throughout his life even during the height of his career in the entertainment industry.

Today, Mr. Boone is the spokesman for the 60 Plus Association, a non-partisan senior citizens advocacy group.

He recently was interviewed by John Gizzi with Human Events. I ask to have this interview printed in the RECORD as an article titled “Pat Boone on Politics, Porn, and the Death Tax”.

The article follows.

[From Human Events Online, Aug. 19, 2005] PAT BOONE ON POLITICS, PORN AND THE DEATH TAX

(By John Gizzi)

Pat Boone, 71, is one of America’s most beloved entertainers. In the 1950s, he was the nation’s second most popular singer after...
Elvis Presley. His hits, “April Love” and “Love Letters in the Sand,” were No. 1 for six and seven weeks respectively. He starred in 15 movies, including Journey to the Center of the Earth and State Fair. Long an active conservative Republican, Boone is currently spokesman for the 60 Plus Association. Last week, Boone spoke with Human Events. Roy Schwartz of John Wayne addressed Dr. Fred Schwartz’s all-Southern California anti-Communist rally. Has it become more difficult for someone to be a conservative and a Christian today?

PAT BOONE: I was not involved politically at that time. Then, I felt so strongly about anti-communism and I did read Fred Schwartz’s book and then came his crusade at the sports arena. What Schwartz said in his book [You Can Trust the Communists—To Be Communists] made perfect sense to me. The phrase, “Better Red Than Dead,” was sweeping college campuses at the time.

When you came to say a few words, I quoted that sentiment. I said I’ve got four little girls and if it ever came to that, although I pray it never will, I would rather see my girls blown to bits by an atomic blast than caught in the hell of a Communist United States. It impressed Roy and he quoted me that number of times beginning by saying, “Once I heard a young father say.” That’s what occurred that night.

My attitude, my very being very outspoken never abated after that and it has cost me as an entertainer. There is a visceral antipathy that producers, hirers and firers have. I feel myself in the other direction. I have feelings that producers, hirers and firers have. I feel as though I have to control of anger and total disregard for certain actors and outspoken people in our business that I think are ruining American culture.

Do you care to name any names?

BOONE: When Norman Lear started People For the American Way, he asked to meet with me. He wanted me to be the voice of People For the American Way—its spokesman. He knew I had considerable influence and a profile among Christians and Middle Americans.

I said to him: “Look, I understand why you have. If you want to promote your point of view. But your main concern is with the Christian right, isn’t it?” He said, “That’s right.” I said, “I know you’ve been openly critical of Jerry Falwell. I know Jerry, although I’m not a member of the Moral Majority. He feels that what you’re doing and saying is promoting and at least as harmful for America as you feel your point of view is. So why don’t you get two guys together? I have a feeling that so many of your concerns are similar. Since I know him, I think he’d be willing to meet with you.”

Lear said, “No, I wouldn’t meet with him.”

When I asked him why, he said, “He’ll just quote you, Pat Boone, and say you know nothing about that. I’m not going to meet with him.”

When he left, he knew I wasn’t going to be his spokesman.

I’m on the unpopular side in the entertainment community. A number of entertainers, Jonathan Winters for one, say to me, “Booze, I envy you. I envy your ability to express himself as emotionally as he would really like to.”

Why have you signed on with the 60 Plus Association? Do you believe it’s a plague more cause, abolishing the estate tax, is so critical?

BOONE: [60 Plus President] Jim Martin, a former Marine and longtime friend of the President, contacted me and asked me if I wanted to join him and his organization. I replied, “Jim, that’s a sum— it’s a number of seniors’ groups, but I put it off because I wasn’t ready or willing to be considered a senior. Seven years ago, in a 10K race here in Thousand Oaks, I set a record. I was in front of the network affiliate cameras to come out of the closet and admit I am a senior. Since then, I haven’t been reluctant to let people know I’m a senior and I am. I do feel very concerned about Social Security and the economy and medical costs.

I have always known that this estate tax is absolute robbery. You already pay taxes, you save money, you’ve been a good citizen and a responsible person, you save up some money in your savings account, but you’ve already paid tax on it. Now, when you have the poor judgment to die, the government steps in and says, “Thank you for doing that all these years. We’ll take half of that.” And maybe your folks have to sell the business and the house.

When Bing Crosby’s [first] wife Dixie died [in 1952], going back that far, he had to sell assets to pay the estate tax. On top of losing his wife, he was losing assets on which he already paid taxes. When I read about that case and asked him, and he said, “Oh yes. You can’t get away from the long arm of the IRS.”

Some say that hip-hop, acid rock and similar modern music is destructive. Do you agree that a lot of it is harmful?

BOONE: Oh, yes, I’ve been very vocal about that. The culture is being dragged into the gutter, and the ones doing it are not just the performers, but the record company executives. It’s calculated on their part because of the fascination, as we used to be fascinated with Jimmy Cagney in the gangster movies. But in the movies, the criminals always got caught and punished.

The executives found some years ago that this “gangsta rap” music was being bought and played by kids out in the suburbs. These are the well-to-do kids, not the black kids in the ghetto areas. They were not the ones subscribing to it and making this music so successful. It was the kids driving BMWs who heard these tapes, and many of them have the long arm of the IRS.

That’s bad. I replied, “Wait a minute. The traffic light at the corner is a form of censorship. It says you stop so that someone else can go. And then you have your turn to go.”

We have laws on the books that prevent you from standing up in a theater and yelling, “Fire,” or from walking down the street and opening your trench coat and exposing yourself. There are laws that tell you that you can’t do certain things and that’s what’s called self-imposed and voluntary. The public to be exposed to filth. But we will not have the poor judgment to die, the government steps in and says, “You cannot cross over this line. You cannot say certain words on public television and cable or anything that’s going to reach sensitibilities. We’re going to defend our kids and our families.”

But it’s something you just can’t even talk about in the entertainment industry. I say, how are we going to protect ourselves if we don’t demand responsibility?

One final point—friends in California say that you were urged to run as a Republican in 1968. Why didn’t you do it?

BOONE: That was back when I had all of my kids at home. I just knew that it would be too time-consuming. I would have to do the job. I thought I could get elected. But I also knew if I was elected, I would do my best to be a good congressman. However, it would have cost me a lot of my family life because I would spend a lot of time away from family. And also, I could never go back to being an entertainer.

RECOGNIZING SAN BERNARDINO’S TEAM INLAND

Mrs. BOXER. Mr. President, I rise today to acknowledge the accomplishments of some hard-working and dedicated young athletes from southern California. This year, the members of Team Inland placed third in the Nike National Youth Basketball Tournament, became the Amateur Athletic Union [AAU], Youth Division Champions, and won the AAU Southern Pacific Division 1 Regional Tournament.

Team Inland is a nonprofit organization based in the city of San Bernardino. It is composed of 15-year-olds, who commit their time to prepare for numerous weekend basketball tournaments throughout the year. In 2005, they won 77 percent of their games, earning impressive placements in many tournaments.

Making Team Inland’s achievement even more meaningful is the fact that team members excelled academically while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average and often doing so while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average and often doing so while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average and often doing so while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average and often doing so while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average and often doing so while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average. It is also important to note that these young people have set high standards for themselves and put forth tremendous effort to meet them.

The members of 2005 Team Inland are: Marquise Drumwright, Ejbro Edereina, Tyler Levin, Quinton Lilley, Jordan Mathis, Myles Pearson, Isaiah Pooler, Kameron Presley, Chandler Scott, Justin Snively, Dominique Walker, and Arther Ley Williams.

The Team Inland players have demonstrated their immense potential to achieve. I hope you are heartened, as I am, to learn of young people striving for personal excellence. I extend my sincere congratulations to Team Inland.
and thank them for their great team spirit.

HONORING WESTERN KENTUCKY NATIONAL MERIT SEMIFINALISTS

- Mr. BUNNING. Mr. President, I pay tribute and congratulate five seniors within the region of West Kentucky, who have been recognized as National Merit Semifinalists. Their recent national recognition has given Kentucky reason to be proud.

The semifinalists are Mary Broadbent from Paducah Tilghman High School, Kyle Brockman from Heath High School, Sara Chen from Tilghman High School, Allison Crawford from Lone Oak High School, Callie Dowdy from Murray High School, Nicholas Ledgerwood from Heath High School, and Joseph Moore from Graves County High School.

I hope that you will join me today in both recognizing and congratulating these five high school seniors in their academic achievement. Their dedication to excellence serves as an example and inspiration for students throughout the Commonwealth of Kentucky. I wish them continued success throughout their academic careers.

RETIREMENT OF KEN BUECHE FROM THE COLORADO MUNICIPAL LEAGUE

- Mr. SALAZAR. Mr. President, I rise to note the retirement of a Colorado leader: Ken Bueche, executive director of the Colorado Municipal League. On September 30, Ken Bueche is retiring as executive director of the Colorado Municipal League, a statewide association of 205 member cities and towns.

Ken Bueche earned his undergraduate degree from Colorado State University and his J.D. and Masters in Public Administration from the University of Colorado. In 1982, he was named a law clerk and by 1974 rose to become the league’s executive director, a position he has held now for more than 30 years.

He has been a long-time believer that local governments are closest to the people and often produce the best solutions for local challenges. He has helped lead the way for Colorado municipalities to streamline local tax collections, shore up their pension funds for first responders, and in 1982 launched a feasibility study that led, in 1982, to the establishment of a self-insurance pool that saves tax dollars and provides affordable insurance for cities, towns and special districts.

Ken was the first recipient of the Leo C. Riethmayer Public Administrator of the Year award from the University of Colorado. He has served on the Board of Directors of the National League of Cities and is considered one of the deans of the State municipal league executive directors corps.

Ken and his wife, Bernice, have five children and four grandchildren. Finally, after more than 30 years of diligent service to the people of Colorado, touching virtually every one of their lives, he will be able to delve back into the joys of his family.

I wish him all the best in his future, for he has given Colorado’s cities and towns his very best for over three decades. He has been lauded as “a quiet Colorado legend,” and he will be missed by all those who have worked alongside him.

CONGRATULATING PHELPS ELEMENTARY SCHOOL AND ST. RAPHAEL THE ARCHANGEL

- Mr. BUNNING. Mr. President, today I rise to congratulate two outstanding Kentucky schools on their recent recognition. Phelps Elementary School of Phelps and St. Raphael the Archangel were selected from more than 3,000 participating schools nationwide. Both schools were chosen as winners based on merit in each of 10 categories: overall academic achievement, literacy, science, mathematics, teamwork, leadership, collaboration, professional development, technical excellence and technical innovation.

Phelps Elementary School was recognized for outstanding science achievement while St. Raphael the Archangel was recognized for outstanding professional development.

For their efforts the two schools will each be rewarded with a $10,000 cash grant along with their school representatives receiving an all-expense paid trip to Washington, DC, to participate in an awards ceremony. These two schools represent the best in educational excellence and innovation. It is truly an honor to commend Phelps Elementary School and St. Raphael the Archangel as two of the finest schools in the Commonwealth of Kentucky.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(REcommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure Realignment Act of 1990, Public Law 101–510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005. I note that I am in receipt of a letter from Chairman Princiipsi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Princiipsi’s letter states that, as a result of that injunction, “you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission’s report.” The Chairman’s letter further states that “[i]f the court’s injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission’s report.” On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court’s injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission’s report. I certify that I approve all the recommendations contained in the Commission’s report.

GEORGE W. BUSH.
THE WHITE HOUSE, September 15, 2005.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:
"S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:
"H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina."
At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes.


H.R. 3736. An act to protect volunteers assisting the victims of Hurricane Katrina.

The message also announced that the House has passed the following concurrent resolution, which it requests the concurrence of the Senate:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks’ refusal to give up her seat on the bus and the subsequent desegregation of American society.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks’ refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance, amended, and ordered placed on the calendar:

S. 1896. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3751. A communication from the Commissioner, Social Security Administration, transmitting, the report of a draft bill entitled “Social Security Amendments of 2005” received August 31, 2005; to the Committee on Finance.


EC–3753. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled “Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)”; to the Committee on Finance.

EC–3754. A communication from the Secretary, Health and Human Services, transmitting, the Administration’s draft proposals that would protect and strengthen the financing of the Medicaid program, as described in the President’s Fiscal Year 2006 Budget; to the Finance Committee.

EC–3755. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program: Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles” (RIN0938–AM74) received on August 31, 2005; to the Committee on Finance.

EC–3756. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled “Medicaid Program: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2005” (RIN0938–A004) received on August 31, 2005; to the Committee on Finance.

EC–3757. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Differential Earnings Rate for 2004 under Section 809” (Rev. Rul. 2005–58) received on August 22, 2005; to the Committee on Finance.

EC–3758. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Section 411(d)(6) Protected Benefits” ((RIN1545–BC29)(TD 9223)) received on August 22, 2005; to the Committee on Finance.


EC–3760. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Stranded Cost No Rule” (Rev. Rul. 2005–61) received on August 31, 2005; to the Committee on Finance.

EC–3761. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Modification of Revenue Procedure 2002–49” (Rev. Proc. 2005–62) received on August 31, 2005; to the Committee on Finance.

EC–3762. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Staggered Remittance Periods” (Rev. Proc. 2005–66) received on August 31, 2005; to the Committee on Finance.

EC–3763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Section 420 and the Code and section 101 of the Medicare Prescription Drug Improvement and Modernization Act of 2003” (Rev. Rul. 2005–60) received on August 31, 2005; to the Committee on Finance.

EC–3764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Collected Excise Taxes; Duties of Collector” ((RIN1545–BC30)(TD 9223)) received on August 31, 2005; to the Committee on Finance.

EC–3765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance under Section 561 for Determining Pro Rata Share” (Rev. Rul. 2005–80) received on August 31, 2005; to the Committee on Finance.

EC–3766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan” ((RIN1545–BC29)(TD 9223)) received on August 31, 2005; to the Committee on Finance.

EC–3767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005–31 relative to waiving prohibition on United States military assistance with respect to Cambodia; to the Committee on Foreign Relations.

EC–3768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005–26 relative to waiving prohibition on United States military assistance with respect to the Dominican Republic; to the Committee on Foreign Relations.

EC–3769. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Commodity Supplemental Food Program (CSFP)—Plain Language, Program Accountability, and Program Flexibility” (RIN0938–A084) received August 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3770. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3771. A communication from the Secretary of Agriculture, transmitting, the report of draft bills relative to changes to the Commodity Credit Corporation funded Farm Bill programs, crop insurance programs, and the Food Stamp programs and requests authority to charge fees for several activities; to the
Committee on Agriculture, Nutrition, and Forestry.

EC-3772. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Iron-Tungsten-Bronze for Hunting Waterfowl and Coots" (RIN1018-AT76) received on August 22, 2005, to the Committee on Energy and Natural Resources.

EC-3773. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Eighteenth Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment"; to the Committee on Homeland Security and Governmental Affairs.

EC-3774. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of the position of Assistant Secretary for Veterans Employment and Training; to the Committee on Health, Education, Labor, and Pensions.

EC-3775. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Disclosure of Beneficiary Ownership Reports" (RIN1557-AC75) received on August 22, 2005, to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 360. A bill to amend the Coastal Zone Management Act (Rept. No. 109-137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1796. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 1797. A bill for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mrs. CLINTON, Mr. CHURCH, Mr. LIEBERMAN, Mr. WARNER, Mr. CARPER, Mrs. BOXER, Ms. LANDRIEU, and Ms. MURkowski):

S. 1798. A bill to provide favorable treatment for projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. VITTER): S. 1799. A bill to allow the Administrator of the Environmental Protection Agency to waive or modify certain requirements; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKaka):

S. 1802. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 1774. A bill to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. CHAFEE, Mr. MUKROWSKI, Mr. THUNE, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. CARPER, and Mrs. CLINTON):

S. 1714. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself and Mr. RUSKIN):

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ:

S. Res. 239. A resolution supporting the goals and ideals of Infant Mortality Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN):

S. Res. 240. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urgent action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS:

S. Res. 241. A resolution designating September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURR, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENZI, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GRIZZO, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GLASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE):

S. Res. 242. A resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BURNEE, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENZI, and Mr. KYL):

S. Res. 243. A resolution expressing Support for the Pledge of Allegiance; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRIYOR, and Mr. CONRAD):

S. Res. 244. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by re-forming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend the Public
Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 503

At the request of Mr. Bond, the names of the Senator from New Jersey (Mr. Lautenberg) and the Senator from New Jersey (Mr. Corzine) were added as cosponsors of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 501

At the request of Mr. Hatch, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative income tax credit for research activities, to increase the alternative simplified credit for qualified research expenses.

S. 799

At the request of Ms. Snowe, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 799, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 798

At the request of Mr. Durbin, the names of the Senator from California (Mrs. Feinstein) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 797

At the request of Mr. Santorum, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1049

At the request of Mr. Frist, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1048

At the request of Mr. Shelby, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1120

At the request of Mr. Durbin, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1132

At the request of Mr. Coleman, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1197

At the request of Mr. Specter, the name of the Senator from Oregon (Mr. Smith) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. Nelson of Nebraska, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. Lautenberg, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1294, a bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capabilities and services.

S. 1306

At the request of Ms. Murkowski, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1306, a bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 1301

At the request of Mr. Baucus, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 1306, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1300

At the request of Mr. Baucus, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1417

At the request of Mrs. Clinton, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1440

At the request of Mr. Crafo, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1442

At the request of Mrs. Clinton, the names of the Senators from Illinois (Mr. Durbin) and the Senator from Maine (Mr. Smith) were added as cosponsors of S. 1489, a bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes.

S. 1499

At the request of Mr. Crafo, the name of the Senator from Idaho (Mr. Craig) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1308

At the request of Mrs. Murray, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1509, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1507

At the request of Mr. Coburn, the names of the Senator from Oklahoma (Mr. Inhofe) and the Senator from South Dakota (Mr. Thune) were added as cosponsors of S. 1557, a bill to amend the Public Health Service Act to provide for a program at the National Institutes of Health to conduct and support research in the derivation and use of human pluripotent stem cells by means that do not harm human embryos, and for other purposes.

S. 1563

At the request of Mr. DeWine, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's health insurance coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1648

At the request of Mr. Durbin, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the
At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1706, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1699

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGAN) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Nebraska (Mr. HAGAN) were added as cosponsors of S. 1700, a bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

S. 1706

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1706 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1706 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1717

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mr. TALENT), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1717 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 238, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

At the request of Mr. FRIST, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. RYAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 238, supra.

AMENDMENT NO. 762

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 238, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

At the request of Mr. FRIST, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. RYAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 238, supra.

AMENDMENT NO. 762

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 762 proposed to S. 1045, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe policies and regulations, and for other purposes.

AMENDMENT NO. 768

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 768 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 969

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1965 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1965 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1717

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mr. TALENT), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1717 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. PNYOR, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

AMENDMENT NO. 969

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. MARTINEZ).

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includable in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to bring the Senate's attention to a bill I introduced today, the Long-Term Care Act of 2005.

Mr. President, I am confident that with the creation of health savings accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care expenses in their own choosing, without being constrained by insurers or employers. Unfortunately, health savings accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for their health expenses, including long-term care insurance. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.

I am confident that with the creation of health savings accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care expenses in their own choosing, without being constrained by insurers or employers. Unfortunately, health savings accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for their health expenses, including long-term care insurance. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.
These savings plans help prepare individuals for their future retirement or any unforeseen circumstance that may arise. Indeed, over 47 million Americans have 401(k) accounts with $1.8 trillion saved. In addition, 6.4 million Americans in 403(b) plans have $1.8 trillion saved. These untapped funds that individuals should be allowed to use to help pay for their future health care needs. Current tax law and some retirement plans pay individuals, in extreme circumstances, to withdraw funds from their retirement accounts, but more often than not, a 10 percent excise tax applies for early withdrawal. In my opinion, that tax precludes the ability or desirability of individuals to pay for their and their families well-being and that is why I have introduced legislation to provide a new health care option to help address this unfortunate circumstance.

My legislation, the Long-Term Care Act, will allow individuals to use their 401(k) and 403(b) plans to purchase long-term care insurance with pre-tax dollars at any age and without early withdrawal. Under the Long-Term Care Act, the consumer has the option to purchase long-term care insurance at the most appropriate amounts for their own needs and their spouses.

Today, only 6 percent of Americans own a long-term care policy. One of the reasons behind this dismally low figure is that individuals wait too long to purchase long-term care insurance. In fact, purchasing long-term care insurance at age 80 is an order of magnitude more expensive than purchasing it age 55. That is why we must encourage individuals to plan for their future health care needs and purchase long-term care insurance at an early age. By purchasing long-term care insurance at a young age, individuals will be saving money in the long run and not depleting their life savings.

Our country is heading towards a demographic tidal wave on long-term care costs. It is simply unsustainable for individuals and the government to maintain the current rate of spending without further endangering the state of health care in the United States.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

Every American should be preparing for future health care costs and it is important that we encourage people to take responsibility today for those costs, be it with the purchase of long-term care insurance or investment in a health savings account. If Virginians and Americans fail to act, it will result in an increased and unsustainable financial burden on the Federal Government and taxpayers.

My legislation, the Long-Term Care Act, is a commonsense approach that will encourage individuals to plan for their future health care needs and help make long-term care insurance more affordable. While this may not be the solution for some people, it is another option for the millions of Virginians and Americans to help provide for their future health care needs when they are healthy and well-being of loved ones. I look forward to the Senate’s action on this legislation because it not only encourages Americans to plan for their future health needs but will also help sustain the viability of our Nation’s health care system. I thank you for your time and I yield the floor.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to remove the current cap on the number of reverse mortgages that can be insured by the Federal Housing Administration (FHA). This legislation will ensure that eligible seniors have access to this important tool that allows them to continue to meet their expenses at a time when they have a reduced income. I am very pleased to be joined in this effort by Senator Crapo, who is an original cosponsor of this legislation.

I represent a State with the second largest senior population in the United States. Many of these seniors have worked hard throughout their years and own their own homes. Many of them are also at a time in their lives when they are having trouble making ends meet. Reverse mortgages allow senior homeowners to convert part of their home equity into monthly income. The homeowner receives payments from the lender rather than making monthly payments as with a regular mortgage. The homeowner may receive the money in lump sum, fixed monthly payments, a line of credit, or a combination of these. These funds can be used by seniors to pay for expenses, while allowing them to stay in their own homes as long as possible. A reverse mortgage helps make services like home health care, adult daycare and assisted living a possibility for more American seniors. It can also be used to pay for needed home repairs and other living expenses.

Unfortunately, there is currently a statutory limitation on the number of FHA-insured reverse mortgages that can be issued. This cap has already been increased as the aggregate number of FHA-insured reverse mortgages came close to reaching the cap. Unless it is removed completely, many seniors may be denied this important tool. This bill, in a small way, will help to make their later years more stable and comfortable. For this reason, I am pleased to introduce this legislation to permanently remove the current cap.

I am also pleased to be working on this proposal with my colleague from Pennsylvania, Representative MICHAEL FITZPATRICK, who has introduced this legislation in the House. I am very hopeful that the 109th Congress will act to pass this important legislation.

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

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

S. 1710

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reverse Mortgages to Help America’s Seniors Act”.

SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (d)(1)(C), by striking “limitations” and inserting “limitation”.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes;

as follows:

S. 1712

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security Management Restructuring Act of 2005”.

SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “DEPUTY SECRETARY” and inserting “DEPUTY SECRETARIES”;

(B) by striking paragraph (7); and

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

and

(D) by striking paragraph (1) and inserting the following:

“(1) A Deputy Secretary of Homeland Security.

“(2) A Deputy Secretary of Homeland Security for Management.”; and

(2) by adding at the end the following:

“(g) VACANCIES.—

“(1) VACANCY IN OFFICE OF SECRETARY.—

“(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.
“(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "UNDER SECRETARY" and inserting "DEPUTY SECRETARY OF HOMELAND SECURITY"; (2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters relating to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary"; (B) by striking "Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; (C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; (B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; (C) APPOINTMENT, EVALUATION, AND RE-APPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following: 

"(c) APPOINTMENT, EVALUATION, AND RE-APPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND RE-APPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

"(1) APPOINTMENT.—The Deputy Secretary of Homeland Security for Management shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall serve for a term of 5 years, but may be removed by the Secretary of Homeland Security based upon an unsatisfactory annual performance evaluation under paragraph (5);

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into a publicly available annual performance agreement with the Secretary; fulfills the responsibilities of the position of Deputy Secretary of Homeland Security for Management and the Integration and Transformation Program;

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4)."

"(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management shall be designated in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

"(2) may be appointed Deputy Secretary of Homeland Security for Management, if such individual's appointment is in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act; and

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Deputy Secretary of Homeland Security for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management under this Act.

(1) TECHNICAL AND CONFORMING AMENDMENTS.—

"(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

"(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.

"(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes;

S. 1715. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Sunset provision.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

Sec. 101. Waivers and other actions.

Sec. 102. Providing additional support for students affected by Hurricane Katrina.

Sec. 103. Immediate aid to restart school operations.

Sec. 104. Use of 2004–2005 child count for ESEA and IDEA funding for sending local educational agencies.

Sec. 105. Payments for receiving local educational agencies.

Sec. 106. Teacher and paraprofessional reciprocity; delay.

Sec. 107. Assistance for homeless youth.

TITLE II—HIGHER EDUCATION

Sec. 201. Definitions.


Sec. 203. General waiver authority and required consultation.

Sec. 204. Notice of waivers, modifications, or extensions.

TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

Sec. 311. Definitions.

Sec. 312. Use of 2004–2005 numbers of children for IDEA funding for sending states.

Sec. 313. Support for local educational agencies receiving children affected by Hurricane Katrina.

Subtitle B—Assistance for Individuals With Disabilities


TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

Sec. 401. Short title.

Sec. 402. Waiver authority to expand the availability of services under Child Care and Development Block Grants.

Sec. 403. Technical assistance and guidance.

Sec. 404. Authorization of appropriations.

TITLE V—HEAD START PROGRAMS

Sec. 501. Definitions.

Sec. 502. Income eligibility and documentation waivers.

Sec. 503. Technical assistance, guidance, and resources.

Sec. 504. Authorization of appropriations.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

Sec. 601. Department of Education Inspector General audit and report.

SEC. 2. SUNSET PROVISION.

The provisions of this Act (other than section 202(b)) shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).
(a) GRANT AUTHORIZED.—From amounts appropriated under subsection (d), the Secretary of Education is authorized to make grants to eligible local educational agencies to enable such agencies to provide to students displaced or affected by Hurricane Katrina—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6181); and

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6171 et seq.) relating to 21st century community learning centers.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means—

(1) a local educational agency that enrolls a significant number of students displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; or

(2) a local educational agency that enrolls students in such schools as soon as possible.

(c) USES OF FUNDS.—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emer- 

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006.

(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emer- 

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006.

(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emer-
fiscal year 2003) in the State in which such agency is located, and
(2) 50 percent of the product of the number of displaced students served by such agency who are part of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) as described in subsection (c) (times 125 percent of the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than fiscal year 2003) in the State in which such agency is located.
(c) Excess Not To Count For ESRA and IDEA Funding.—In calculating funding under part A of title I of the Elementary and Secondary Education Act (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a local educational agency that receives a payment under this section, the Secretary of Education shall not count, for purposes of calculating such funding under such part, displaced students served by such agency for whom a payment is received under this section.
(f) Use of Funds.—A local educational agency receiving a payment under this section may use such payment to enhance instructional opportunities for displaced students who enroll in elementary schools and secondary schools served by such agency, which uses may include—
(1) providing instructional services to such students;
(2) paying the compensation of personnel, including teacher aides, to provide instructional services to such students; and
(3) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing neutral sites or spaces.
(g) Authorization of Appropriations.—
(1) There is authorized to be appropriated to carry out this section $2,500,000,000 for fiscal year 2008.

SEC. 106. TEACHER AND PARAPROFESSIONAL RECIPROCITY, DELAY.
(a) Teacher and Paraprofessional Reciprocity.
(1) Teachers.—
(A) Affected Teacher.—In this subsection, the term ‘‘affected teacher’’ means a teacher who is displaced due to Hurricane Katrina to a State that is different from the State in which such teacher resided before Hurricane Katrina.
(B) In case a local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if such educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 107. ASSISTANCE FOR HOMELESS YOUTH.
(a) In General.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment, assessment and school placement assistance, transportation, coordination, school services, supplies, referrals for health, mental health, and other needs.
(b) Exception and Distribution of Funds.—
(1) Exception.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (c) and (e) of section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e), 11434(b) and (c)) shall not apply.
(2) Disbursement.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on need determined by the Secretary, and such State educational agencies shall distribute funds to local educational agencies based on demonstrated need, for the purposes of carrying out section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

SEC. 108. ASSISTANCE FOR HOMELESS YOUTH, SERVICES TO CERTAIN PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965.
(a) Waiver of Grant Repayments by Students.—Notwithstanding section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), the Secretary shall waive the amounts that students would otherwise be required to return to Federal Education with respect to any grant assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for an affected student who was unable to attend, or whose attendance was interrupted, because of the impact of Hurricane Katrina on the student or an affected institution.

SEC. 201. Definitions.
In this title:
(1) Affected Borrower.—The term ‘‘affected borrower’’ means an individual who—
(A) was in repayment on a loan made, insured, or guaranteed under part B, D, or E of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087a et seq.) on or after August 22, 2005, and entered repayment after August 22, 2005 and before June 30, 2006; and
(B) lives or lived in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) due to the effects of Hurricane Katrina; or
(ii) worked, as of August 22, 2005, in an area so affected.
(2) Affected Institution.—The term ‘‘affected institution’’ means an institution of higher education, as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) located in a State in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.
(3) Affected Student.—The term ‘‘affected student’’ means a student who was enrolled on August 29, 2005 in an affected institution.
(4) Distance Education.
(A) In General.—The term ‘‘distance education’’ means a course or program that uses 1 or more of the technologies described in subparagraph (b) to—
(i) separate the students from the instructors who are separated from the instructor; and
(ii) support regular and substantive interaction between the students and the instructors who are separated from the instructor.
(B) Inclusions.—For the purposes of subparagraph (A), the technologies used may include—
(i) the Internet;
(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
(iii) audio conferencing; or
(iv) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in clauses (i) through (iii).
(5) Secretary.—The term ‘‘Secretary’’ means the Secretary of Education.
such as information from lenders and guaranty agencies. In the event an affected institution does not remit such amounts as required under the preceding sentence, the Secretary, or an institution or a borrower or student in a non-federal share range of such amounts, shall require the Secretary to recover such amounts from the affected student during the 2005-2006 award year.

(c) FORBEARANCE.—Notwithstanding the provisions of part B, D, or E of title IV of the Higher Education Act of 1965, a lender, the Secretary, or an institution of higher education may provide more than 1 year of forbearance to an affected borrower without documentation.

(d) PROFESSIONAL JUDGMENT.—A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student for financial year 2005-2006 for a student who resides or resided on August 22, 2005, or was employed on August 22, 2005, in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(e) MODIFICATION OF PART A OF TITLE II GRANTS AUTHORIZED.—The Secretary may authorize modifications to the requirements for the student financial assistance programs authorized under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)), an institution of higher education, as defined in section 101 of such Act, and the Secretary shall consult with the Comptroller General of the United States before modifying any provision of the Higher Education Act of 1965 suspended or terminated within the previous 5 years; and

(f) MODIFICATIONS TO PROGRAMS.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)); (B) is otherwise eligible to participate in programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and (C) has not had its participation in programs under title IV of the Higher Education Act of 1965 suspended or terminated within the previous 5 years; and

(g) AUDITING.—The Higher Education Act of 1965, to ensure that—

(h) AUDITING.—The Higher Education Act of 1965, to ensure that—

(i) the institution of higher education that enrolls the affected student during the 2005-2006 award year.

(j) WAIVER AUTHORITY TO MODIFY AUTHORITIES.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(3)), an institution of higher education, other than a foreign institution—(i) is recognized by the Secretary under section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 101 et seq.); and (ii) was or is located in an area in which a disaster was declared under section 401 of title IV of the Higher Education Act of 1965, to ease the burden on such participants; or

(k) AUTHORITY TO EXTEND OR WAIVE REQUIREMENTS.—Prior to granting any waiver or modification under this section, the Secretary shall consult with the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives with respect to waivers or modifications under this section.

SEC. 204. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.

(a) IN GENERAL.—Notwithstanding section 436(a) of the Higher Education Act of 1965 (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall publish in the Federal Register a notice of the waiver, modification, or extension granted under section 202 or 203.

(b) TERMS AND CONDITIONS.—The notice described in paragraph (1) shall include information on the waivers, modifications, and extensions granted under section 202 or 203, and shall include the terms and conditions for the waivers, modifications, and extensions.

TIT LE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

SEC. 311. DEFINITIONS.

In this subtitle:

(a) IN GENERAL.—The terms "child with a disability", "local educational agency", "related services", and "special education" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) Affected by Hurricane Katrina.—The term "affected by Hurricane Katrina", when used with respect to an individual who resides or resided on August 22, 2005 in, or is or was enrolled on August 22,

SEC. 312. USE OF 2005 school years.

(a) In general.—In calculating funding under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for the 2005–2006 school year and the 2006–2007 school year for a State under subsection (b), the Secretary of Education shall use data from the 2004–2005 school year to determine the number of children in such State for the purposes of—

(1) subsections (a) and (d)(3) of section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a) and (d)(3));

(2) section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419), if such State is eligible to receive an allocation under such section; and

(3) section 613(f) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(f)), to a student who is affected by Hurricane Katrina; and

(b) for the 2005–2006 school year or 2006–2007 school year, the loss of students attending the schools located in the State, as compared with the 2004–2005 school year.

SEC. 313. SUPPORT FOR LOCAL EDUCATIONAL AGENCIES RECEIVING CHILDREN AFFECTED BY HURRICANE KATRINA.

(a) Flexibility for local educational agencies.—Notwithstanding any other provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), for a fiscal year in which funds are appropriated under this section, the Secretary of Education shall provide a portion (as determined by the Secretary) of such funds to an eligible local educational agency for the purpose of providing appropriate special education services to individuals with disabilities as described in section 613(f) of such Act (20 U.S.C. 1413(f)), to a student who is affected by Hurricane Katrina.

(1) if the student has not been identified by such agency as needing special education and related services but has been identified as needing additional academic and behavioral support; or

(2) if the student’s record of receiving special education and related services is not available but the parent or guardian of the student certifies that the student received special education and related services at the student’s preceding school, until such time as an evaluation and related services under section 614 of such Act (20 U.S.C. 1414) can be made, except that early intervening services under this paragraph shall not be provided for more than 90 days unless the school and parent or guardian agree that progress is being made toward obtaining the eligibility determination.

(b) Rule of construction.—In the case of a child with a disability who is affected by Hurricane Katrina and whose records are available to the local educational agency, nothing in this section shall be construed to supersede the transfer provisions of section 614(d)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1414).

(c) Limitation.—An eligible local educational agency providing early intervening services under this section shall ensure that such services do not interfere with the special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to a child with a disability who is not affected by Hurricane Katrina and is enrolled in a school served by the eligible local educational agency.

(d) Definition of eligible local educational agency.—The term ‘‘eligible local educational agency’’ means a local educational agency that enrolls a student who is affected by Hurricane Katrina and who relocates to a school served by the local educational agency.

(e) Authorization of appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006.

Subtitle B—Assistance for Individuals with Disabilities


(a) Definitions.—In this section:

(1) AFFECTED STATE.—The term ‘‘affected State’’ means a State that contains an area in which the President has declared that a major disaster exists.

(2) EMERGENCY.—The term ‘‘emergency’’ means any emergency declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) INDIVIDUAL WITH A DISABILITY.—The term ‘‘individual with a disability’’ has the meaning given the term in section 3 of the Rehabilitation Act of 1998 (42 U.S.C. 12102).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term ‘‘individual with a disability affected by Hurricane Katrina’’ means an individual with a disability who—

(A) resided on August 22, 2005 in an area in which the President has declared that a major disaster exists; and

(B) resides in an area in which the President has declared that an emergency or major disaster exists.

(5) MAJOR DISASTER.—The term ‘‘major disaster’’ means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(b) REALLOTMENTS OF FUNDS.—

(1) IN GENERAL.—The Commissioner shall develop criteria for the purpose of permitting receipt of funds described in subsection (b) by any area in which the President has declared that a major disaster existed.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each fiscal year, to remain available as necessary for five years.

Title IV—Child Care and Development Block Grant Act of 1990

SEC. 401. SHORT TITLE.

This title may be cited as the ‘‘Child Care and Development Block Grant Act of 2005’’.

SEC. 402. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) Authority.—For such period (ending not later than March 31, 2006), and to such extent as the Secretary determines is necessary, the Secretary of Health and Human Services shall—

(1) as a condition of any new or renewed grant under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9856), may allow a grantee to waive the requirement that an individual receives assistance for a minimum number of hours per day or week to enable the grantee to provide such assistance to individuals who—

(A) reside in an area in which the President has declared that a major disaster exists; or

(B) reside in an area in which the President has declared that an emergency or major disaster exists; or

(C) reside in an area in which the President has declared that an emergency or major disaster existed; or

(2) as a condition of any new or renewed grant under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9856), may allow a grantee to provide assistance for a minimum number of hours per day or week to enable the grantee to provide such assistance to individuals who—

(A) reside in an area in which the President has declared that a major disaster exists; or

(B) reside in an area in which the President has declared that an emergency or major disaster exists; or

(C) reside in an area in which the President has declared that an emergency or major disaster existed; or

(b) Provisions.—The provisions referred to in subsection (a) are provisions of the Child Care and Development Block Grant Act of 1990.
Care and Development Block Grant Act of 1990 (42 U.S.C. 9585 et seq.),—
(1) relating to income limitations on eligibility to receive child care services for which assistance is provided under such Act; and
(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act; and
(3) requiring the application of section 658G to States in which an area described in subsection (a) is located;
(4) requiring a cost sharing or other cost sharing by the families that receive child care services for which assistance is provided under such Act; and
(5) preventing children designated as evacuees from receiving priority for child care services for which assistance is provided under such Act, except that children residing in an area and currently receiving services on August 22, 2005 shall not lose such services in order to accommodate evacuee children.

SEC. 401. TECHNICAL ASSISTANCE AND GUIDANCE.
The Secretary may assist States to provide technical assistance and guidance to child care providers who are licensed and regulated, as applicable, by the States, in order to enable the providers to provide child care services for children and families described in section 402(a).

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.
The Secretary may be authorized to appropriate not more than $1,700,000,000 for fiscal year 2006. The Secretary shall provide technical assistance and guidance to child care services for children and families described in section 402(a).

SEC. 501. DEFINITIONS.
In this title:
(1) CHILDREN AFFECTED BY HURRICANE KATRINA.—The term "children affected by Hurricane Katrina" means a child who is not older than 5 and who resides or resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) IMPACTED HEAD START AGENCIES.—The term "impacted Head Start agency" means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) MAJOR DISASTER.—The term "major disaster" means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), relating to Hurricane Katrina.

SEC. 502. INCOME ELIGIBILITY AND DOCUMENTATION WAIVERS.
The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

SEC. 503. TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.
The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources through other regional offices of the Administration, at the request of such offices) to impacted Head Start agencies to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated for Head Start services (including Early Head Start services) to children affected by Hurricane Katrina as provided for in section 502, and to carry out section 503, $45,000,000 for fiscal year 2006.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT
SEC. 601. DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT.
(a) IN GENERAL. The Inspector General of the Department of Education (referred to in this section as the "Inspector General") shall conduct an audit and investigation of such program carried out by the Department of Education that includes response and recovery activities related to Hurricane Katrina.

(b) WEEKLY REPORT.—Not less frequently than once a week, the Inspector General shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives listing the audits and investigations initiated pursuant to subsection (a).

(c) STATUS REPORT.—Not later than 6 months after the date of enactment of this section, and biannually thereafter until the audits and investigations described in subsection (a) are complete, the Inspector General shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the full status of the activities of the Inspector General under this section.

(d) COOPERATIVE VENTURES.—In carrying out this section, the Inspector General is encouraged to enter into cooperative ventures with Inspectors General of other Federal agencies.

Mr. KENNEDY. Mr. President, it is an honor to join the chairman of the HELP Committee, Senator Enzi, in introducing a bill to bring much needed support and relief to students, educators, and schools affected by Hurricane Katrina. The assistance cannot come too soon.

I want to thank the chairman and his staff for all their hard work and for working together with us to deliver this relief.

We are all familiar with the devastation that hurricanes can cause to communities. In the past, some of the most destructive storms temporarily closed programs and facilities, until the children and their families can return to their homes and communities.

But Hurricane Katrina became a different type of devastation, and the magnitude of its damage is vastly more extensive.

More than 700 schools and 30 colleges and universities have been damaged and destroyed. Almost all of them have been closed at least temporarily. Many of them will not open until January at the earliest. Some are in danger of not reopening at all.

The number of students affected is staggering. The estimated total population of displaced elementary and secondary students is 373,000. Over 100,000 college students have been affected by the disaster, and 18,500 Head Start or Early Head Start children have been affected.

These are not just statistics. From this disaster we have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

Fortunately, America has begun to respond.

School districts across the country have pledged to accommodate displaced students in their schools. Colleges and universities are graciously opening their doors to such students.

The Nation is grateful to the school principals and superintendents, and the college presidents and deans who have pledged their help.

Institutions are devoting resources as they struggle to accommodate these students. Congress must do our part to respond, to help these devastated communities get back on their feet and enable students to return to school. We need a response that is as caring and as generous as the American spirit.

Congress has a responsibility to do all it can to support the needs of students, educators, and schools. We need to direct efforts to all stages of education—from early childhood through college. Let’s make sure that these elementary and secondary school districts don’t lose a year of education and that these college students can pursue their post-secondary degrees. We act quickly to provide the support needed to cope with and overcome this tragedy and rebuild the future.

This bill begins the process by strengthening support for educational institutions affected by Hurricane Katrina. It addresses the needs of early education, elementary and secondary education, higher education, and students with disabilities.

Hundreds of thousands of children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

The bill facilitates enrollment in Head Start and Early Head Start by waiving income eligibility and other requirements, so that families affected by Katrina will be able to enroll their children more easily. It authorizes funds for affected Head Start centers—providing additional guidance, technical assistance, and resources.

We must do more to provide for elementary and high schools struggling to cope with the harsh reality of the aftermath of Hurricane Katrina. Because of closures and the inability to obtain and maintain records, we need to temporarily postpone reporting requirements at affected schools. We must also provide these schools financial support while they are closed to ensure they have the financial stability to reopen.
The bill authorizes the Secretary of Education to waive reporting requirements, assessments, and school improvement and corrective action for states, local educational agencies, and schools affected by Hurricane Katrina.

It directs schools in the declared disaster area and child count numbers collected during the 2004–2005 academic year in seeking Federal funds for the 2006–2007 school year. The Secretary is authorized to award special school reopening grants to districts and communities severely affected by Hurricane Katrina. These grants will aid in the effort to retain highly qualified teachers, recover data, establish temporary facilities, and take other related steps necessary to reopen the schools. It also provides funds for after-school services and supplemental educational services to states affected by Hurricane Katrina.

In addition, we need to acknowledge the efforts of school districts in Texas, Georgia, and other States that offer schooling to displaced students. School districts in those States deserve funds to help ease the transition of students into new schools, support basic instruction, and purchase books and materials. We need to help these schools temporarily expand the facilities to avoid overcrowding.

The bill authorizes the Secretary of Education to make payments to local educational agencies that enroll displaced students. The bill also authorizes the Secretary to require States to extend temporary reciprocity for certification of school personnel across State lines. Teachers certified as highly qualified in one State will be recognized as meeting this standard in other States as well. The bill also modifies title II of the Higher Education Act to target teacher recruitment and retention efforts to the changing needs of the area.

We must help college students find temporary relief so they don’t lose a semester or a year of college, and give them the financial assistance they need to continue.

Students unable to attend a college because of the disaster will be exempted from returning grant aid under title IV of the Higher Education Act. These students will be able to place outstanding loans in deferment for the remainder of the 2005–2006 academic year. Additional funds for special education and aid to disadvantaged students will be encouraged to use greater flexibility in professional judgment in evaluating the needs of college students affected by Hurricane Katrina.

We must also consider the needs of borrowers whose college graduates residing in the declared disaster area who lose their jobs deserve temporary relief on their loan repayments. The bill provides a deferment until June, 2006, during which borrowers will not need to pay interest on the principal on their student loans.

To ease the burdens faced by colleges and universities in the declared disaster area, the Secretary is authorized to waive various Federal reporting requirements for colleges and universities. Schools will have up to 5 years to return unallocated Pell grants and supplemental educational opportunity grants. If needed, the Secretary will be able to extend the deadline for a repayment schedule. The bill offers colleges a flexible timeline for crediting undisbursed student loans. Schools have until the end of the academic year or June 30, 2006, to return such funds.

To assist colleges in enrolling displaced students, the Secretary is authorized to make arrangements to transfer Federal work-study funds from affected institutions to receiving institutions.

Finally, we must not neglect the needs of students with disabilities, teachers, and schools providing special education. Hurricane Katrina has thrown many children and families into uncertainty for having no records to document their child’s special education experience.

In addition, many children who were previously not students under IDEA may very well become students under IDEA. The bill requires schools to provide early intervening services to all children who need academic or mental health support to benefit from school. This will allow the time for children to sort out an individual needs to be identified.

The bill requires States to develop apprenticeship programs to provide training for disabled students. The bill also authorizes the Secretary to offer special grants. If needed, the Secretary will be able to work with schools after the disaster to develop apprenticeship programs to provide training for disabled students. The bill also authorizes the Secretary to offer special grants. If needed, the Secretary will be able to work with schools after the disaster to develop apprenticeship programs to provide training for disabled students.

In the coming days and weeks, we must work to help life return to normal and to assist others affected by Hurricane Katrina. This education bill is an impressive first step. I urge Congress to continue the work we begin today to meet the needs of the entire Gulf Coast community to reopen its schools.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. MARTINEZ submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1985;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has set as the goal the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to

(1) Increase national awareness of infant mortality and its contributing factors; and

(2) Facilitate activities that will assist local communities in the United States to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.
SENATE RESOLUTION 240—EXPRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINIOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBYNS, Mr. WYDEN, Mr. PILGER, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. Res. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism as a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the observation that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any other commission of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israeli continues to be denied the opportunity as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent."

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and recognizes with deep concern the rise in instances of intolerance and violence directed against members of many religious communities...including anti-Semitism...";

Whereas in 2005, the United Nations held an unprecedented conference to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitism at United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

SENATE RESOLUTION 241—DESIGNATING SEPTEMBER 2005, AS "LEUKEMIA, LYMPHOMA, AND MYELOMA AWARENESS MONTH"

Mr. JEFFORDS submitted the following resolution; which was considered and agreed to:

S. Res. 241

Whereas blood-related cancers currently affect more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institutes of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and treatment World Conference Against Racism were undermined and agreed to:

Myeloma Awareness Month"—to

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD APPOINT AN INDIVIDUAL TO OVERSEE FEDERAL FUNDS FOR THE HURRICANE KATRINA RECOVERY, AND FOR OTHER PURPOSES

Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DE MINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNET, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINIOVICH, and Mrs. DOLE) submitted the following resolution which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 242

It is the sense of the Senate that the President, in order to efficiently coordinate and monitor spending, avoid duplication, and eliminate waste, fraud, and abuse, shall appoint an individual to oversee all federal work and the obligation of all federally appropriated funds for the purpose of Hurricane Katrina recovery, re-construction and recon-struction.

SENATE RESOLUTION 243—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr.
VerDate Mar 15 2010 20:45 Jan 30, 2014 Jkt 081600 PO 00000 Frm 00075 Fmt 0624 Sfmt 0634 E:\2005SENATE\S15SE5.REC S15SE5mmaher on DSKCGSP4G1 with SOCIALSEC

Whereas Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving the new Newdow case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new Newdow case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;
(1) **BET OR WAGER.**—The term 'bet or wager'—

(A) means the staking or risking by any person of something of value upon the outcome of any single sports event or any series of sports events, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a specified outcome; and

(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance) for money or other value.

(C) includes any scheme of a type described in section 3762 of title 28.

(D) means information or information pertaining to the establishment or movement of funds in, to, or from an account by the bettor or customer with regard to the business of betting or wagering; and

(E) does not include—

(i) any activity governed by the securities laws (as that term is defined in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(a)(5)) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act); or

(ii) any conduct conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(iii) transactions over-the-counter derivative instrument;

(iv) any other transaction that—

(I) is excluded or exempt from regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) or section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)); or

(III) is conducted in accordance with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

(v) any contract of indemnity or guarantee;

(vi) any contract for insurance;

(vii) any deposit or other transaction with an insured institution; or

(viii) any participation in a simulation sports game, an educational game, or a contest, test, or game.

(2) **BUSINESS OF BETTING OR WAGERING.**—The term 'business of betting or wagering' does not include a simulation sports game, an educational game, or a contest, test, or game.

(3) **SINGULAR INDIVIDUAL PERFORMANCE.**—The term 'a singular individual performance in any single sports event' means—

(I) a situation that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

(II) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fee paid by those participants.

(4) **MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.**—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)).

(5) **PUBLICATION.**—The term 'publication' means the issuance of inter-operable packet switched data networks.

(6) **INTERACTIVE COMPUTER SERVICE.**—The term 'interactive computer service' means the term 'interactive computer service' as defined in section 252(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(7) **RESTRICTED TRANSACTION.**—The term 'restricted transaction' means any financial transaction or transmission involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under section 5362.

(8) **SECRETARY.**—The term 'Secretary' means the Secretary of the Treasury.

(9) **UNLAWFUL INTERNET GAMBLING.**—

(A) **IN GENERAL.**—The term 'unlawful Internet gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by wire in connection with the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

(B) **INTRASTATE TRANSACTIONS.**—The term 'unlawful Internet gambling' does not include placing, receiving, or otherwise transmitting a bet or wager where—

(i) the bet or wager is placed and received or otherwise made within a single State;

(ii) the bet or wager is expressly authorized by and placed in accordance with the laws of such State, and such State's laws or regulations reasonably designed to—

(I) age and location verification requirements reasonably designed to block access to minors and persons located outside of such State; and

(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's laws or regulations; and

(iii) the bet or wager does not violate any provision of State law.

(1) **INTERSTATE HORSE RACING ACT.**—The term 'Interstate Horse Racing Act' means—

(I) Interstate Horse Racing Act (15 U.S.C. 3001 et seq.);

(II) Professional and Amateur Sports Protection Act (28 U.S.C. 3701 et seq.);

(III) Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

(IV) Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) **INTERMEDIATE ROUTING.**—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

(3) **OTHER TERMS.**—

(A) **CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.**—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(B) **ELECTRONIC FUND TRANSFER.**—The term 'electronic fund transfer'—

(i) has the same meaning as in section 903 of the Electronic Funds Transfer Act (15 U.S.C. 1693a et seq.), except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

(D) **INSURED INSTITUTION.**—The term 'insured institution' means—

(i) an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(ii) an insured financial institution, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)).

(E) **MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.**—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined with respect to any regulations issued by the Secretary thereunder).

§ 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

No person engaged in the business of betting or wagering or knowingly accepts, in connection with the participation of another person in unlawful Internet gambling—

(1) credit, or the proceeds of credit, extended or on behalf of such other person (including credit extended through the use of a credit card);

(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

(3) any check, draft, or similar instrument which is drawn on or behalf of such other person and is drawn on or payable to or through any financial institution; or

(4) the proceeds of any other form of financial transaction, as the Secretary may determine by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

§ 5363. Policies and procedures to identify and prevent restricted transactions

(A) **REGULATIONS.**—Not later than 270 days after the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to—

(i) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means;

(ii) block restricted transactions identified as a result of the policies and procedures developed under paragraph (1); and

(iii) prevent the acceptance of the products or services of the payee or payee's agent in connection with a restricted transaction.

(B) **REQUIREMENTS FOR POLICIES AND PROCEDURES.**—In prescribing regulations under subsection (a), the Secretary shall prescribe regulations requiring each designated payment system to—

(i) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to prevent restricted transactions by means of codes in authorization messages or by other means;

(ii) require the payment system to ensure that each participant in the payment system to—

(A) to identify, block, or prevent the acceptance of the products or services of the payee or payee's agent in connection with a restricted transaction; and

(B) to not disrupt the legal transactions of persons licensed to engage in the business of betting or wagering to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and
sections 5364, 5365, 5366.

§ 5364. Civil remedies

(a) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction to prevent and restrain violations of this subchapter or of the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, upon application of

(1) the United States; and

(2) any appropriate regulatory agency, if such agency has actual knowledge and control of the violation or potential violation pending implementation of such remedy.

(b) IN GENERAL.—The district court may, in exigent circumstances, in an effort to comply with regulations prescribed under subsection (a), if—

(1) an emergency restraining order is necessary to prevent or restrain a violation or threatened violation of this subchapter; or

(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

(c) POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a) if—

(1) it complies with and accords with the policies and procedures of the designated payment system of which it is a member or participant to—

(A) identify and block restricted transactions; and

(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor, a restricted transaction or a transaction that such person reasonably believes to be a restricted transaction, or as a member of a designated payment system relies on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a), shall not be liable to any party for such action.

(e) JUDICIAL REMEDIES.—Regulations issued by the Secretary under this subchapter shall be enforced by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

§ 5365. Criminal penalties

(a) IN GENERAL.—Whoever violates section 5362 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may order the person to take, in addition to any other appropriate remedy, such steps as the court deems necessary to prevent the occurrence of such violation or potential violation of this subchapter or the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, if—

(1) such notice, and the appropriate regulatory agency (as determined in accordance with section 5363(c)(2) for such person) of such violation or potential violation and the remedy to be sought in such proceeding; and

(2) allow such person not longer than 60 days after the violation or potential violation occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(c) EXPEDITED PROCEEDINGS.—In addition to any other appropriate remedy prescribed under subsection (b), a defendant in any civil action proceeding under this subchapter, with respect to any transaction provider, the Attorney General (or other appropriate State official) of an affected State under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

(d) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

(1) IN GENERAL.—Regulations under this section shall be considered to be in violation of an interactive computer service shall—

(1) be limited to the removal of, or disabling of access to, an online site violating this subchapter; or

(2) otherwise preventing the acceptance of the products or services of the payment system, member, or participant in connection with unlawful Internet gambling; or

(3) the extent to which such person has established and is maintaining policies and procedures in compliance with rules and regulations issued under this subchapter;

(4) the extent to which it is feasible for an interactive computer service to remove the products or services of the payment system, member, or participant in connection with unlawful Internet gambling; and

(5) the costs and burdens that the specific remedy will have on such person.

(e) FACTORS TO BE CONSIDERED IN CERTAIN CASES.—In considering granting relief under this section, the court shall consider—

(1) the circumstances in which a financial transaction provider is required to extend credit or transmitting funds knew or should have known that the transaction was in connection with unlawful Internet gambling;

(2) the history of such person in extending credit or transmitting funds when such person knew or should have known that the transaction is in connection with unlawful Internet gambling;

(3) the extent to which such person has established and is maintaining policies and procedures in compliance with rules and regulations issued under this subchapter;

(4) the extent to which it is feasible for an interactive computer service to remove or block, or otherwise prevent, such transaction; and

(5) the costs and burdens that the specific remedy will have on such person.

(f) NOTICE TO REGULATORS AND FINANCIAL INSTITUTIONS.—Before initiating any proceeding under subsection (b), with respect to a violation or potential violation of this subchapter or the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, if—

(1) notify such person, and the appropriate regulatory agency (as determined in accordance with section 5363(c)(2) for such person) of such violation or potential violation and the remedy to be sought in such proceeding; and

(2) allow such person not longer than 60 days to implement a remedy for the violation or potential violation, consistent with the factors described in subsection (e), and in conjunction with such action as the appropriate regulatory agency deems necessary to prevent the occurrence of such violation or potential violation pending implementation of such remedy.

§ 5366. Circumventions prohibited

(a) IN GENERAL.—(1) A financial transaction provider, any person making bets or wagers, or any interactive computer service or telecommunications service, may be liable under this subchapter if the provider has actual knowledge and control of bets and wagers and—

(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made, or

(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(2) otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

(b) REMEDIES.—(1) In general.—If an interactive computer service violates this section, the provider of the interactive computer service shall—

(1) be liable under section 5362 or 5363(a), or

(2) to the extent that such provider has actual knowledge and control of bets and wagers, shall—

(1) operate, manage, supervise, or direct an Internet website at which unlawful bets or wagers may be offered to be placed, received, or otherwise made, or

(2) own or control, or be owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(2) A financial transaction provider shall be considered to be in compliance with the regulations prescribed under this section to prevent or restrain the violation or threatened violation.

(b) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with section 46 of the Federal Rules of Civil Procedure.

(c) DEFENSES.—(1) A financial transaction provider shall be considered to be in compliance with the regulations prescribed under this section, regardless of whether a prosecution has been initiated under this section.

(1) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (12 U.S.C. 2710) shall be carried out in accordance with that compact.

(2) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, amending, or supplanting the costs and burdens that the specific remedy will have on such person.

(3) the extent to which it is feasible for an interactive computer service to remove or block, or otherwise prevent, such transaction.
website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

*§ 5367. Rule of construction*

“Nothing of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact permitting, or regulating gambling within the United States.”

(2) **TECHNICAL AND CONFORMING AMENDMENT.—**The table of sections for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

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SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

Sec. 5361. Definitions.
Sec. 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.
Sec. 5363. Policies and procedures to identify and prevent restricted transactions.
Sec. 5364. Civil remedies.
Sec. 5365. Criminal penalties.
Sec. 5366. Circumventions prohibited.
Sec. 5367. Rule of construction.
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**SA 1721. Mr. SHELBY (for Mr. DURBIN) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:**

At the appropriate place, insert the following:

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SEC. 5366. Rule of construction.

(C) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(d) INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.—

(1) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crime;

(B) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(C) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(R) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 120, line 24, after the colon insert the following: “Provided, That $200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).”

On page 147, line 5, strike “$325,365,000” and insert the following: “$483,985,000, to remain available until expended: Provided, That $200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).”

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Title I—Penalty Free Use of Retirement Funds

Sec. 1. Short title; amendment of 1986 Code; table of contents.

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

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act shall be as follows:

Title I—Penalty Free Use of Retirement Funds

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Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

TITLE II—EMPLOYMENT RELIEF

Sec. 1. Work opportunity tax credit for Hurricane Katrina employees.

Sec. 2. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 1. Temporary increase in limitation on individual and corporate charitable deductions.

Sec. 2. Tax-free distributions from individual retirement accounts for charitable purposes.

Sec. 3. Charitable deduction for contributions of food inventories.

Sec. 4. Charitable deduction for contributions of book inventories.

Sec. 5. Additional personal exemption amount for Hurricane Katrina houseguests.
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Sec. 306. Increase in standard mileage rate for charitable use of passenger automobile.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

Sec. 401. Exclusions from certain cancellations of indebtedness for victims of Hurricane Katrina.

Sec. 402. Modification to casualty loss rules for victims of Hurricane Katrina.

Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.

Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.

Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.

Sec. 406. Special rule for determining earned income.

Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Disclosure to State officials of proposed actions related to exempt organizations.

Sec. 502. Dedication and use of certain fees.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act, the term "Hurricane Katrina disaster area" means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALEY DECLARED NATURAL DISASTERS.

(a) In General.—(Paraphrase of paragraph (2) of section 72(t) relating to 10-percent additional tax on early distribution from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALEY DECLARED NATURAL DISASTERS.—"

"(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—"(I) IN GENERAL.—Any individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act who has a principal place of abode in a Hurricane Katrina disaster area before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

"(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRA.—For purposes of this section.

"(I) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(II) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b) maintained by an employer described in section 457(a)(1)(A)) shall be treated as a qualified retirement plan.

"(V) the date on which a period referred to in clause (i) begins (but only to the extent provided in section 72(t)(2)(G)), and"

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA

(a) In General.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 403 of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply to any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) Special Rules.—(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined).

(c) Conforming Amendments.—(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or" at the end of such subclause (IV) the following new subclause:

"(V) the date on which a period referred to in section 72(t)(2)(G)(III) begins (but only to the extent provided in section 72(t)(2)(G)), and"

(2) Section 405(b)(7)(A)(iii) is amended by inserting "sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G))," before "or".

(d) Sec. 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

SEC. 103. RECONSTRUCTION OF WITHDRAWALS FOR PERSONS RELIEVED DUE TO HURRICANE KATRINA

(a) Reconciliation.—(1) In General.—Any individual who received a qualified disaster distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date,
make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(12) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c)(14) or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayor shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term "qualified distribution" means any distribution—

(A) described in section 401(k)(2), 401(k)(3)(B), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term "disaster declaration date" means the date on which the President designated the area which was the principal place of employment immediately before Hurricane Katrina, and which was not the principal place of employment of the employee immediately before Hurricane Katrina.

SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined in section 402(c)(12) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (i) of such section shall be applied by substituting the "present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) LOAN NOT TREATED AS A DISTRIBUTION.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 28, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 28, 2005, and before August 29, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 105. AMENDMENTS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract that is a qualified plan (as defined in section 3(6) of the Internal Revenue Code of 1986, as modified by this section) before the date which is 1 year after the date on which such plan or contract amendment is adopted.

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in subparagraph (B) or (C),

(B) and on or before the last day of the first plan year beginning on or after January 1, 2006, or such later date as the Secretary of the Treasury may prescribe.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) the plan or contract is a qualified plan (as defined in section 3(6) of the Internal Revenue Code of 1986, as modified by this section) before the date on which the plan or contract is amended, and

(ii) the plan or contract contains a provision (as defined in paragraph (1)(B)) (or, if earlier, the date the plan or contract amendment is adopted),

(B) and such plan or contract amendment applies retroactively for such period.

TITLE II.—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term "Hurricane Katrina employee survivor" means any individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area,

(2) became unemployed as a result of Hurricane Katrina,

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of this section—

(1) first became unemployed at the principal place of employment of the employee immediately before Hurricane Katrina, and

(2) the employment of such employee terminated on or before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(d) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, as modified by this section) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no work, performs services at a different place of employment than such principal place of employment, or performs services, or any combination of such services, at such principal place of employment.
such principal place of employment before significant operations have resumed.

(4) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term ‘‘Ready Reserve-National Guard employee’’ means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10124 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) QUALIFIED ACTIVE DUTY.—The term ‘‘qualified active duty’’ means—

(a) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a lease of absence from employment under chapter 43 of title 38, United States Code, and

(b) hospitalization incident to such duty.

(c) Certain Rules to Apply.—For purposes of this section, rules similar to the rules of sections 51(1), 52, and 280(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) Credit To Be Part of General Business Credit.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLe III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY INCREASE IN LIMITATION ON CORPORATION AND CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—In the case of qualified contributions made during the period beginning August 28, 2005, and ending December 31, 2005, in the case of any taxable year which includes any portion of such period—

(1) subsection (b)(1)(A) of section 170 of the Internal Revenue Code of 1986 shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting ‘‘90 percent of the taxpayer’s contribution base less the other contributions described in clause (A)’’ for ‘‘85 percent of the taxpayer’s contribution base for the taxable year’’ and—

(2) subsection (b)(2) of section 170 of such Code shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting ‘‘15 percent of the taxpayer’s taxable income less the other charitable contributions allowable for the taxable year for ‘‘5 percent of the taxpayer’s taxable income’’.

(b) QUALIFIED CONTRIBUTIONS.—For purposes of this section, the term ‘‘qualified contributions’’ means any charitable contributions (as defined in section 170(c) of such Code) made in cash to an organization described in section 170(b)(1)(A) of such Code.

(c) APPLICATION OF CARRERWY RULES.—For purposes of section 170 of such Code—

(1) qualified contributions shall not be taken into account under section 170(d)(1)(A) of such Code in determining the amount of the deduction allowable under such section with respect to such contributions, and

(2) to the extent qualified contributions increase the amount allowable under section 170 of such Code by reason of subsection (a), such contributions shall not be taken into account under section 170(d) of such Code.

(d) FISCAL YEAR TAXPAYERS.—In the case of a taxpayer whose taxable year ends after August 31, 2005, and before December 31, 2005, subsection (a) shall apply to only the one taxable year that the taxpayer elects.

SEC. 302. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

‘‘(B) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term ‘‘qualified charitable distribution’’ means any distribution made after August 28, 2005, and before January 1, 2006, from an individual retirement account—

(i) which is made directly by the trustee—

(ii) to a organization described in section 170(c), or

(iii) to a split-interest entity, and

(ii) which is made on or after—

(I) in the case of any distribution described in clause (i)(I), the date that the individual has attained age 70½, and

(II) in the case of any distribution described in clause (i)(II), the date that such individual has attained age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income if such distribution were described in clause (i)(I) or clause (i)(II) of section 170(c) (determined with- out regard to section 170(c)(5)).

(ii) DIRECT CONTRIBUTIONS.—A distribution described in clause (i)(I) would be treated as a qualified charitable distribution if the individual described in such clause (i)(I) is not an individual described in clause (i)(II) and—

(A) the distribution is made in cash; and

(B) the individual described in such clause (i)(I) includes the distribution to a qualified charitable distribution if the distribution is to a charitable organization described in section 170(c) and each amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the amount includible in gross income without regard to subparagraph (A) to the extent that such account is maintained, the spouse of such individual, or any organization described in section 170(c).

(iii) SPLIT-INTEREST GIFTS.—A distribution described in clause (i)(II) would be treated as a qualified charitable distribution if the individual described in such clause (i)(II) includes the distribution to a qualified charitable distribution if the distribution is to a charitable organization described in section 170(c) and each amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the amount includible in gross income without regard to subparagraph (A) to the extent that such account is maintained, the spouse of such individual, or any organization described in section 170(c).

(iii) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 643(d) which must be funded exclusively by qualified charitable distributions,

(iii) a charitable gift annuity (as defined in section 664(d)(2)(A)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiaries.

(iii) a charitable gift annuity (as defined in section 501(m)(1)).

MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 643(a)(2) or claiming charitable deductions under section 642(c)) is amended by adding at the end the following new paragraph:

‘‘(c) RETURNS BY TRUSTS DESCRIBED IN SECTION 642(c) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).—

(a) TRUSTS DESCRIBED IN SECTION 4947(a)(3).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

(b) TRUSTS CLAIMING CHARITABLE DEDUCTION UNDER SECTION 642(c).—

(1) IN GENERAL.—Every trust required to file a return under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations require.

(2) THE AMOUNT PAID OUT IN WAGE YEAR WHICH REPRESENTS AMOUNTS FOR WHICH DEDUCTIONS UNDER SECTION 642(c) HAVE BEEN TAKEN IN PRIOR YEARS.

(3) THE AMOUNT PAID OUT IN WAGE YEAR WHICH HAS NOT BEEN PAID OUT AT THE BEGINNING OF SUCH YEAR.

(4) THE TOTAL INCOME OF THE TRUST WITHIN SUCH YEAR AND THE EXPENSES ATTRIBUTABLE THERETO.


(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

(a) the net income for such year, determined under the rules of the law of trusts, is required to be distributed currently to the beneficiaries, or
(B) the trust is described in section 4947(a)(1)."

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Subsection (2) of section 6034(a) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new paragraph:

"(C) SPLIT-INTEREST TRUSTS. — In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting "$100" for "$20," and

(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 501(c)(3)."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (A).—The amendment made by subsection (a) shall apply to distributions made after August 28, 2005.

(2) SUBSECTION (B).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2004.

SEC. 302. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(3) USE OF APPARENTLY WHOLESOME FOOD.—In determining whether a contribution is a qualified contribution, subparagraph (B) shall apply without regard to—

(i) the donee is an organization described in section 170(b) (relating to agricultural organizations),

(ii) the property is to be used by the donee solely for the care of the ill, the needy, or the infirm."

(b) HURRICANE KATRINA HOUSEGUEST.—For purposes of this section, the term "Hurricane Katrina houseguest" means any individual—

(1) who would not otherwise qualify for an exemption amount with respect to the taxpayer for the taxable year,

(2) whose principal place of abode in a Hurricane Katrina disaster area was rendered uninhabitable after August 28, 2005, and

(3) is provided shelter for not less than 60 days after August 28, 2005, and before January 1, 2006, by the taxpayer in the taxpayer's principal place of abode.

(c) LIMITATION.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such shelter.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 280F(c) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 1622 of such Code for use of a passenger automobile for charitable purposes for the period beginning on August 29, 2005, and ending before January 1, 2006, the standard mileage rate shall be 60 percent of the standard mileage rate in effect under section 280F(c) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income
by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the bankruptcy of the taxpayer in connection with Hurricane Katrina.

(b) Exception.—Subsection (a) shall not apply to any loss incurred in connection with a trade or business.

c) Denial of Double Benefit.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

SEC. 402. MODIFICATION TO CASUALTY LOSS RULES FOR VICTIMS OF HURRICANE KATRINA.

In the case of an individual with a personal casualty loss in an area that is in connection with Hurricane Katrina—

(1) section 165(h)(2)(A) of the Internal Revenue Code of 1986 shall not apply, and

(2) in applying such section to other personal casualty losses during the taxable year, losses to which this section applies shall be disregarded.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) Authority Includes Suspension of Payment of Employment and Excise Taxes.—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

(A) Filing any return of income, estate, gift, employment, or excise tax; and

(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States thereon.

(b) Application to Victims of Hurricane Katrina.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidential declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

c) Effective Date.—The amendment made by this section shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENTS LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence:

(1) Subsections (d), (e) and (f) of section 143 shall be applied as if such residence were a residence located in a United States possession.

(2) Subsection (f)(3) of section 143 shall be applied with regard to subparagraph (A) thereof.

(3) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above $150,000) to the extent the qualified home-improvement loan is for the repair of damages caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2006.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (1) of section 1033(a)(2)(B) of such Code shall be applied by substituting “5 years” for “2 years” with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) In General.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the earned income of such individual shall be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) Qualified Individual.—For purposes of this section, the term “qualified individual” means any individual who was (as of August 28, 2005) a resident of any area which is determined by the Secretary of the Treasury to be an area which is determined by the Secretary to be a residence within 3 years after the date of the disaster.

(c) Earned Income.—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) Special Rules.—

(1) Application to Joint Returns.—For purposes of subsection (a), in the case of a joint return for the taxable year which includes August 28, 2005, (A) such subsection shall apply if either spouse is a qualified individual, or

(b) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(c) the substitution described in such subsection shall apply only with respect to the earned income attributable to a spouse who is a qualified individual.

(2) Uniform Application of Election.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) Errors Treated as Mathematical Error.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) No Effect on Determination of Gross Income.—For purposes of section 6213 of such Code, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAT AUTHORITY TO MAKE ADDITIONAL REGULATIONS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary’s delegate may make such additional regulations under the Internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of voluntary relocations after August 28, 2005, to a place in Louisiana or Mississippi that is in connection with Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall notwithstanding that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.
the Secretary determines that such disclosure would seriously impair Federal tax administration.

(6) Definitions.—For purposes of this subsection—

(A) RETURN AND RETURN INFORMATION.—The terms ‘return’ and ‘return information’ have the respective meanings given to such terms by section 6103(b).

(B) APPLICABLE STATE OFFICER.—The term ‘applicable State officer’ means—

(i) the State attorney general,

(ii) the State tax commissioner, and

(iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

(iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.

(b) conforming amendments.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting “and section 6104(c)” after “section” in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting “or any applicable State officer (as defined in section 6104(c)),” before “or any other person”,

(B) in subparagraph (F)(1), by inserting “or any applicable State officer (as defined in section 6104(c)),” after “including an agency” each place it appears.

(3) The heading for paragraph (1) of section 6104(c) is amended by inserting “for charitable organizations” after “require”.

(4) Paragraph (2) of section 7213A(a) is amended by inserting “or section 6104(c)” after “6104(c)”. 

(5) Paragraph (2) of section 7213A(a) is amended by inserting “or 6104(c)” after “6104(c)”. 

(c) effective date.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

5. Small Business Fees.

Notwithstanding section 202(c) of Public Law 108-89, the Secretary of the Treasury may retain and use fees from employee plan and employer letter rulings and determination letters charged under section 7528 of the Internal Revenue Code of 1986—

(1) in fiscal years 2005 and 2006,

(2) for the administration of the provisions of, and amendments made by, this Act,

(B) to provide taxpayer assistance to any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, and

(C) to aid the Internal Revenue Service in repairing and recovering from the damage to Internal Revenue Service offices, equipment, and support caused by Hurricane Katrina, and

(2) in general after 2006—

(A) on oversight, enforcement, and administration by the Tax-Exempt and Government Entities Division of the Internal Revenue Service, and

(B) on oversight, enforcement, and administration of section 170 of such Code.

2723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Nutrition Service, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. 1. Extension of Period of Existing Guarantee.

(a) In General.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the maturity of the principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

(b) Limitations.—

(1) Feasibility and security.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) Extension of Useful Life of Collateral.—Extensions under this section shall not be granted unless the borrower first submits with its request equal—

(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generator, plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

2724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2744, making appropriations for the Departments of Commerce, Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 5. SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

(1) calculating fees—

(i) in general.—Subject to clauses (ii) and (iii)—

(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (a)(3) of this section and subparagraph (A) of this paragraph; and

(ii) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2006,

(2) determinations.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.

SA 1725. Mr. SHEELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 121, line 19, after the semicolon insert—

‘‘of which not less than $1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services.’’.
SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 20, between lines 13 and 14, insert the following:

(2) PROHIBITION ON PERMITS FOR AQUACULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY WITH JURISDICTION TO REGULATE AQUACULTURE.—The term ‘agency with jurisdiction to regulate aquaculture’ means—

(i) the Department of Agriculture;

(ii) the Department of Commerce;

(iii) the Environmental Protection Agency;

(iv) the Corps of Engineers;

(vi) the Secretary of Transportation; and

(vii) any other Federal agency with jurisdiction to regulate aquaculture in the United States Exclusive Economic Zone.

(2) PROHIBITION.—The head of an agency with jurisdiction to regulate aquaculture may not issue a permit or license to permit an aquaculture facility located in the exclusive economic zone to operate until after the date on which a bill has been enacted into law that—

(A) sets out the type and specificity of the analyses that the head of the agency with jurisdiction to regulate aquaculture shall carry out prior to issuing any such permit or license, including analyses relating to—

(i) disease control;

(ii) structural engineering;

(iii) pollution;

(iv) biological and genetic impacts;

(v) access and transportation;

(vi) the effects of aquaculture on the social and economic impacts of the aquaculture facility on other marine activities, including commercial and recreational fishing; and

(B) requires that a decision to issue such a permit or license be—

(i) made only after the head of the agency that grants authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1831 et seq.) and the State in which the facility is to be located in consultation with the Governor of that State located within a 200-mile radius of the aquaculture facility; and

(ii) made by the regional fishery management council that is granted authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1831 et seq.) for a fishery in the region in which the aquaculture facility will be located.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Hurricane Katrina Tax Relief Act of 2005’’.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act shall conform to the following:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.

(a) In General.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended—

(1) by inserting before paragraph (2) the following new subparagraph:

‘‘(G) DISTRIBUTIONS FROM RETIREMENT PLANS FOR VICTIMS OF NATURAL DISASTERS.—‘‘(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution may be—

(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—‘‘(II) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(7), or 457(e)(16), as the case may be.

(ii) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS OF ELIGIBLE RETIREMENT PLANS FOR NATURAL DISASTERS.—

‘‘(II) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS OF ELIGIBLE RETIREMENT PLANS FOR NATURAL DISASTERS.—

(i) In General.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan or rollover contribution, the repayments described in clause (ii) shall be treated as a qualified disaster-relief distribution in an eligible rollover distribution as defined in section 402(c)(4) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(iii) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS FROM IRAS.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, be treated as having received a qualified disaster-relief distribution.

(iv) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS FROM IRAS.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, be treated as having received a qualified disaster-relief distribution.

(vi) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS FROM IRAS.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, be treated as having received a qualified disaster-relief distribution.

(vii) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS FROM IRAS.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, be treated as having received a qualified disaster-relief distribution.

(viii) TREATMENT OF REPAYMENTS FOR DISBURSEMENTS FROM IRAS.—For purposes of this paragraph, if a contribution is made pursuant to subparagraph (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, be treated as having received a qualified disaster-relief distribution.
“(IV) APPLICATION TO GOVERNMENTAL SECTION 407 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—Except as provided in clause (iv), for purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(III) DOLLAR LIMITATION.—

“(I) IN GENERAL.—The term ‘qualified disaster-relief distribution’ shall not include any distributions for any taxable year to the extent the aggregate amount of such distributions exceeds $100,000, reduced by the aggregate amounts treated as qualified disaster-relief distributions with respect to such year by other taxpayers. Such reduction includes amounts treated as qualified disaster-relief distributions with respect to any such year by any employer (and any member of any controlled group of which such employer is a member) to such individual.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without clause (I)) be treated as a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group of which such employer is a member) to such individual exceeds $100,000.

“(III) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means an area—

“(I) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

“(II) designated by the President before such date to warrant assistance from the Federal Government under such Act.

“(b) EXEMPTION OF DISTRIBUTIONS FROM TAXABLE INCOME AND RELATED HOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking ‘or’ at the end of subparagraph (B) and inserting at the end of the following new subparagraph—

“(C) distributions to which section 72(t)(2)(G) applies.

“(4) Section 457(d)(1)(A) is amended by striking ‘or’ at the end of clause (ii), by striking ‘or’ at the end of clause (ii), by striking ‘or’ at the end of clause (ii), and by inserting after subparagraph (B) the following new subparagraph:

“(C) distributions to which section 72(t)(2)(G) applies.

“(5) In the case of an eligible deferred compensation plan established and maintained by an employer described in section (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),—

“(I) IN GENERAL.—The amendments made by this section shall apply to distributions received after August 28, 2005.

“SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

“(a) IN GENERAL.—In the case of any qualified distribution of tangible personal property with respect to which such Code, as the case may be.

“(2) any subsequent repayments with respect to any such loan shall be appropriately offset against the present value of the nonforfeitable accrued benefit of the employee under the plan for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan.”

“(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 103(c)) with an outstanding loan on or after August 28, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986), make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 7701(a)(37) of such Code), then the tax payer shall, to the extent of the amount of such repayment, be entitled to receive a qualified re-
(a) In GENERAL.—If this section applies to any plan or contract amendment which is adopted during the period described in subparagraph (A) of this section, the plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B) of this section.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2005, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period described in subparagraph (A) of this section, rules similar to the rules in subsection (b) of section 436 of the Code—

(i) before the date on which the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date), the aggregate of any qualified contributions made to such plan or contract (as defined in section 436(b)(7) of the Code) before the date on which such contribution took effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) or, if earlier, the date the plan or contract is adopted, the plan shall be treated as being operated in accordance with the terms of the plan or contract amendment, as well as any amendment made—

(A) after the date on which the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date), or

(B) in the case of a plan or contract not required by such legislative or regulatory amendment, the effective date of such plan, as if such plan or contract amendment were in effect; and

(B) during the first period of 2 consecutive years after the date on which such plan or contract amendment was adopted.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term ‘‘Hurricane Katrina employee survivor’’ means an individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subparagraph (a) of section 34(b) of the Code to any plan or contract which is made under clause (i) of subparagraph (A) of this section, the plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (a) of this section, and (A) in the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(d) APPLICATION OF SECTION.—This section shall apply to wages (as defined in section 34(b)(1) of the Code, for purposes of applying subparagraph (a) of this section, the plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (a) of this section, and (A) in the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(1) for an employer during the 6-month period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 2-year period beginning on such date.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year.

(b) Q UALIFIED WAGES.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term ‘‘eligible employer’’ means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in clause (i) is not required to be operated in this manner during the period described in paragraph (1)(B) of this section.

(2) ELIGIBLE EMPLOYEE.—The term ‘‘eligible employee’’ means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer—

(i) was in a Hurricane Katrina disaster area, and

(ii) was employed in connection with Hurricane Katrina.

(B) a Ready Reserve-National Guard employee of such eligible employer who was performing qualified active duty and whose principal place of employment immediately before Hurricane Katrina began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term ‘‘qualified wages’’ means wages (as defined in section 170(c) of the Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, in connection with Hurricane Katrina.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed 20 percent of the taxpayer’s contributory base (as defined in paragraph (1) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the employee’s taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(c) CARRYOVER.—Rules similar to the rules in paragraph (1)(A) of section 170(b) of the Code shall apply for purposes of applying such section.

(1) IN GENERAL.—If this section applies to any plan or annuity contract which is made—

(A) with respect to which the taxpayer has not been treated as an eligible employer, and

(B) during the first period of 2 consecutive years after the date on which such plan or contract was adopted, the plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (a) of this section, and (A) in the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(d) Q UALIFIED CONTRIBUTIONS.—For purposes of this section, the term ‘‘qualified contribution’’ means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 501(a)(3) of such Code), and

(2) with respect to which the taxpayer has been treated as an eligible employer under such section.
In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or Shareholder.

For purposes of subsection (b)(2), a contribution shall be treated as a qualified contribution only if the contribution is for relief efforts related to Hurricane Katrina.

SEC. 302. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) In General.—Subsection (e) of section 170(e)(3) relating to certain contributions of ordinary income and capital gain property is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (D) the following new subparagraph:

"(C) Special Rule for Contributions of Book Inventory for Educational Purposes.—

(i) Contributions of Book Inventory.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

(I) the donee is an organization described in section 139A; or

(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

(ii) Amount of Reduction.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property is reduced by the amount of any reduction under subsection (a) for the fair market value of such property.

(iii) Qualified Book Contribution.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books which—

(I) is determined using the same printing of such book as determined by the taxpayer;

(II) relates to the general public at no cost or to operate a literacy program; and

(iii) bona fide published market price' means, with respect to any book, a price—

(a) Determination of Basis.—If a taxpayer—

(i) does not account for inventories under section 471, and

(ii) is not required to capitalize indirect costs under section 263A, the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

(b) Determination of Fair Market Value.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

(c) Determination of Basis.—If a taxpayer—

(i) does not account for inventories under section 471, and

(ii) is not required to capitalize indirect costs under section 263A, the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

(d) Determination of Fair Market Value.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by this subparagraph), the fair market value of such property shall be determined as if the property had been sold by the taxpayer at the time of the contribution.

(e) APARENTLY WHOLESALE FOOD.—For purposes of this paragraph, the term 'apparently wholesome food' has the meaning given such term by section 28(b)(2) of the Bill Emerson Humanitarian Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

(f) APPLICABILITY.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.

SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) In General.—Subsection (e)(3) relating to certain contributions of ordinary income and capital gain property is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (D) the following new subparagraph:

"(C) Special Rule for Contributions of Book Inventory for Educational Purposes.—

(i) Contributions of Book Inventory.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A); and

(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

(ii) Amount of Reduction.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

(iii) Qualified Book Contribution.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books which—

(I) is determined using the same printing of such book as determined by the taxpayer;

(II) relates to the general public at no cost or to operate a literacy program; and

(iii) bona fide published market price' means, with respect to any book, a price—

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 263A the following new section:

"SEC. 304. ADDITIONAL EXEMPTION FOR HOUSING INDIVIDUALS.

(a) In General.—In the case of taxable years beginning after December 31, 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.
relating to section 139A the following new item:

"Sec. 139B. Mileage reimbursements to charitable volunteers."

(c) Effective date.—The amendments made by this section shall apply to the discharge of substantial part of a passenger automobile after the date of the enactment of this Act, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) In General.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6535(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) Exception.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) Denial of Double Benefit.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) Effective date.—This section shall apply to discharges made on or after August 28, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) Authority includes suspension of payment of employment and excise taxes.—Subparagraphs (A) and (B) of section 7508A(a)(1) are amended to read as follows:

"(A) Filing any return of income, estate, gift, employment, or excise tax;"

"(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;"

(b) Application to victims of Hurricane Katrina.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) Effective date.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area which is being repaired for damage caused by Hurricane Katrina, section 143 of the Internal Revenue Code of 1986 shall be applied to the acquisition and financing of such residence with the following modifications to financing provided with respect to such residence within 3 years after the date of the disaster declaration:

(1) Subsections (d) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above $150,000) to the extent the qualified home-improvement property is repaired or replaced as a result of Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2006.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (1) of section 1033(a)(2)(B) of such Code shall be applied by substituting "5 years" for "2 years" with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING ELIGIBILITY TO TREAT HURRICANE KATRINA DAMAGE AS A DISASTER."
NOTICES OF HEARINGS/MEETINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 27, 2005 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing should send a copy of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Karen Billups or Amy Millet.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, at 10 a.m., to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet Thursday, September 15, 2005, at 10:30 a.m. to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Thursday, September 15, 2005 at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness List
Panel I: Stephen L. Toher, Esq., Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Portland, NH; Tom Hayward, Esq., Past-Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Esq., DC Circuit Representative, American Bar Association, Washington, DC.
Panel III: Maurine E. Mahoney, Esq., Partner, Latham & Watkins, Washington, DC; Carol M. Browner, Former Administrator of the Environmental Protection Agency, Principal, The Albright Group, Washington, DC; Kathleen A. Brady, Esq., Senior Lecturer, Fordham University School of Law; Dr. James H. Wright and Chairman of the Board of Directors, The National Bar Association, Washington, DC; Karen Pearl, Interim President, Planned Parenthood Federation of America, New York, NY.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, to mark up the following bills: Committee Print of S. 1182, Chairman Larry Craig, the “Veterans Health Care Improvement Act of 2005,” incorporating original provisions and provisions derived from S. 1182, as introduced; S. 1177, S. 1189; and S. 1190; and S. 716, Ranking Member Daniel K. Akaka, the “Veteran's Health Care Improvement Act of 2005.” The markup will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. BENNETT. Mr. President, I ask unanimous consent that the house be granted to John Ziolkowski, Fitzugh Elder, Hunter Moorhead, Dianne Preece, Galen Foun- 

The amendment (No. 1728) was agreed to.

The amendment (No. 1728) was agreed to. (The amendment is printed in today's RECORD under "Text of Amendments.") The bill (H.R. 3768), as amended, was read the third time and passed.

VIETNAM ACTION ON S. 1896

Mr. FRIST. Mr. President, I further ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

THE CALENDAR

Mr. FRIST. Mr. President, I will be running through a lot of business which reflects a tremendous amount of work over the last several hours, the last several days, much of it in re- 

The senior assistant bill clerk read as follows:

A resolution (S. Res. 243) Expressing Sup- 

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

The amendment (No. 1728) was agreed to. (The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

MEASURES READ THE FIRST TIME—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I under- 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

SUPPORT FOR PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution.

Mr. ENZING. Mr. President, I rise today to speak about yesterday's court decision which ruled that the Pledge of Allegiance is unconstitutional. I am concerned, but certainly not surprised, with this decision. And I am very con- 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

EMERGENCY TAX RELIEF

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider- 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. BENNETT. Mr. President, I ask unanimous consent that third reading be laid upon 

Mr. FRIST. Mr. President, I ask unanimous consent that third reading and passage of S. 1896 be vitiated, and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.
a politician, and he is not going to advocate positions on issues to win votes.

Returning to the case at hand, I call on my colleagues to support this resolution. The Pledge of Allegiance is a unifying force in this Nation. It draws all of us together as a race, religion, gender, or national origin, together in support of the common good. At a time when we should be uniting to support our troops in Iraq and our neighbors in the Gulf States affected by Hurricane Katrina, it is a shame that an activist court is seeking to divide based on the principle of “I” or “me first,” instead of pursuing the selfless principle of the common good. Just last Congress this body came together to support the current Pledge of Allegiance on a 94-0 vote. I hope that we will have the same bipartisan support again for this important issue, and I urge support of this resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

SEC. 1. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in Newdow, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

Mr. FRIST. Mr. President, this resolution that we passed is a Senate resolution expressing support for the Pledge of Allegiance. Because of the significance of this matter, I would like to read some paragraphs in the resolution and then the closing resolve section:

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words “under God” in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit’s decision in Newdow by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing plaintiff’s lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words “under God” in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new Newdow case, holding that the Ninth Circuit’s earlier ruling that the words “under God” in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting Government from establishing a religion;

Whereas Congress, in 1954, added the words “under God” to the Pledge of Allegiance;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union “under God”, and to this country being dedicated to securing “liberty and justice for all”;

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress’s opposition that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to “God”; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance:

Resolved, SCC. 1. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

This is an important Senate resolution, as is the one that follows, S. Res. 244, which we will address shortly. Every morning in the Senate, we open with the pledge to the flag of the United States of America. It is an issue on which the Senate now speaks loudly in disagreement with the most recent findings.

The second resolution related to this issue is S. Res. 244.

EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 244) expressing support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD as if read.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in Newdow v. the Congress of the United States of America, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

Whereas the Congress expects that the U.S. flag, the country’s legal tender, and patriotic songs, engravings on Federal buildings also contain general references to “God”; and

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, to our country having been established as a union “under God” and to this country being dedicated to securing “liberty and justice for all”;

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to “God”; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved, SCC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in Newdow v. the Congress of the United States of America, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.
PELL GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3169, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

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

The bill (H.R. 3169) was read the third time and passed.

Mr. FRIST. Again, Mr. President, this is a good illustration of the way in which we are addressing tonight that reflect the Senate's response to those who have been adversely affected by this disaster. The bill we passed was specifically related to Pell grants, giving the Secretary of Education the waiver authority for students who are eligible for Pell grants, those students who have been adversely affected.

STUDENT GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3668) to provide the Secretary of Education with waiver authority for Federal student grant assistance for students who are eligible for Federal student grants, those students who have been adversely affected.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

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

The bill (H.R. 3668) was read the third time and passed.

TANF EMERGENCY RESPONSE AND RECOVERY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3672, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

There being no objection, the Senate proceeded to consider the bill.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) RELIEF FOR STATES AFFECTED BY HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today to raise some concerns about H.R. 3672, the TANF Emergency Response and Recovery Act of 2005 passed recently by the House of Representatives.

I regret that the House Ways and Means Committee did not have the benefit of the insights of those in Louisiana responsible for administering this critical Federal program. Because if they did, I think that the bill might have been drafted very differently. I very much appreciate the leadership allowing me this opportunity to state these concerns for the record and am hoping that we can work together in the days and weeks ahead from this point on to be certain that these concerns are addressed.

Hurricane Katrina has left the Southeastern part of Louisiana in a state of emergency which, by all accounts, will last a significant amount of time with spread impact on our State and local economy. As a result, larger than expected numbers of individuals will be left without employment and in need of the services and support provided by the TANF program. It is precisely to address these circumstances, although I am not sure Members anticipated a disaster of this magnitude that compelled Congress to create a contingency fund in the 1996 Act. The purpose of the contingency fund was for States to be able to access additional funds in a time of need. But instead of availing ourselves of the funds contained in the contingency fund to carry us through this unexpected downturn, the House bill limits the use of these funds for nonrecurring, short term benefits to persons displaced by this disaster. I am afraid that this narrow definition of eligibility will stand in the way of people in need getting the support they deserve. I am pleased that the Grassley-Baucus proposal will allow Louisiana access to these funds and allow my State to direct these funds to families in need.

In addition, it should be noted that while the House bill contemplates that some families affected by Hurricane Katrina will need some short term benefit that should be considered differently from regular welfare, it does not extend eligibility for these emergency benefits to all families in the affected States. I believe that we should extend eligibility to all families in need. I am pleased to note that the Grassley-Baucus welfare proposal would extend eligibility of Hurricane Katrina Emergency TANF Benefits for over a year to affected families in Louisiana, Mississippi and Alabama regardless of their circumstances prior to this disaster.

I will raise my final point in the form of a question to my good friend, the Senator from Iowa, Mr. Grassley. The House bill includes a provision that provides that no penalty may be imposed against any of the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. This current financial conditions, our Governor is concerned about the State's long term ability to pay a loan of this size back in such a short time. They have been assured that the intent was for this provision to serve as a grant and that there is no penalty should they be unable to fully reimburse the Federal Government. Is that the Senator's understanding?

Mr. GRASSLEY. I understand that the Senator would like assurances that the State would not be penalized for failure to reimburse the Federal Government for funds to the State from the Federal Loan for State Welfare Program. I would point out that the House bill includes a provision that provides that no penalty may be imposed against the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. This provision provides that there will be no penalty for loans made during that time.

Furthermore, I appreciate the other comments from the Senator from Louisiana. While I think that the House passed bill represents a good faith effort on behalf of the House, I agree that it does not go far enough and that the delegations of the affected States should have been consulted as this bill was assembled. The collaborative process that we relied on with Senators from States directly affected by Hurricane Katrina has been invaluable for us to work together and to assemble the disaster relief package that Senator Baucus and I announced yesterday.

I also recognize that my colleagues are concerned that the Senate's position on this issue be appropriately represented in a conference with the House.

I want to assure my colleagues these welfare provisions will be addressed during a conference with the House and that the Senate's position on these welfare provisions will be vigorously represented.

Mr. FRIST. I appreciate the comments from my colleagues. I support the chairman, and I too assure colleagues that these welfare provisions will be fully litigated in a conference with the House on a health and welfare disaster relief package.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

September 15, 2005
The bill (H.R. 3672) was read the third time and passed.

RECOGNIZING 75TH ANNIVERSARY OF AMERICAN ACADEMY OF PEDIATRICS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 204 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk reads as follows:

A resolution (S. Res. 204) recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the Record.

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

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas 2005 marks the 75th anniversary of the American Academy of Pediatrics (referred to in this resolution as the "Academy");

Whereas in 1930, 35 pediatricians founded the Academy to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

Whereas in 2005, the Academy is the largest membership organization in the United States dedicated to child and adolescent health and well-being, with more than 60,000 primary care pediatricians, pediatric subspecialists, and pediatric surgical specialists belonging to its 59 chapters in the United States and 7 chapters in Canada;

Whereas being devoted to promoting good physical health, the Academy also promotes early childhood education, good mental health, reading, environmental health, safety, pediatric research, and the elimination of disparities in health care;

Whereas the Academy serves as a voice for the most vulnerable people in the United States by advocating for the needs of children with special health care needs, low-income families, victims of abuse and neglect, individuals in under-served communities, and individuals in the United States;

Whereas the Academy is dedicated to improving child health and well-being through numerous efforts and initiatives, including continuing medical education, the promotion of optimal standards for pediatric education, the authorship and dissemination of materials which advance its mission, and advocating on important issues in child health;

Whereas the Academy promotes the use of evidence-based research and "best practices" to drive major improvements in child health and well-being, such as the use of immunizations to decrease the rates of infectious childhood diseases;

Whereas the Academy promotes the pediat-ric "medical home" as the most effective approach to guaranteeing the highest quality care for all children;

Whereas the Academy provides international leadership on child health issues, including translating child health materials into more than 40 languages;

Whereas Academy leaders have organized numerous child health initiatives at the State and community levels; and

Whereas, throughout its history, the Academy has advocated for the needs of all children, including those in Federal child safety seat initiatives, the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1501 et seq.), universal immunization, and the Best Pharmaceuticals for Children Act (Public Law 107-109); Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the American Academy of Pediatrics;

(2) supports the mission and goals of the Academy;

(3) commends the Academy for its commitment to attaining optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

(4) encourages the people of the United States to observe this anniversary and support the Academy on behalf of the children of this country; and

(5) encourages the Academy to continue striving to improve the health and well-being of all infants, children, adolescents, and young adults of the United States.

REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk reads as follows:

A resolution (S. Res. 240) expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimi-nation" and the General Assembly, by a vote of 75 to 35, voted to condemn Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon its removal;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeatedly termed the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interven-tions by the Government of the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian ob-server at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charge, and the Permanent Observer of the United Nations did nothing to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected position within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and is currently the only member of the Western and Others Group in the UN General Assembly that cannot participate in its regular caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a forum of political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assem-bly since 1991 focused exclusively on anti-Semitic attacks on Israel;

Whereas in 2004, the United Nations Commission on Human Rights concluded that anti-Semitism is a form of racism and racial discrimination against the Jewish people, that the "State of Israel" is an "racial and religious epithet," and that: "The persistence of anti-Semitism is a denial of the inalienable rights of all members of the human family, and a terrible threat to peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimi-nation" and the General Assembly, by a vote of 75 to 35, voted to condemn Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon its removal.

The PRESIDING OFFICER. The resolution (S. Res. 240) was agreed to.

The assistant bill clerk reads as follows:

A resolution (S. Res. 240) expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Universal Declaration of Human Rights, approved by the United Na-tions General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";
the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked by those who are blind to the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—
(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;
(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and
(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and religious, racial, and ethnic intolerance; and

(2) it is in the sense of the Senate that—
(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;
(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and
(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about the importance of religious intolerance, and incitement to violence.

LEUKEMIA, LYMPHOMA AND MYELOMA AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, which was introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) designating September 2005 as Leukemia, Lymphoma and Myeloma Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFFORDS. Mr. President, I am here today to ask for my colleagues’ support for a resolution designating September as Leukemia, Lymphoma and Myeloma Awareness Month. Today, I want to speak specifically about leukemia, a disease that affects nearly 200,000 Americans.

Leukemia is a devastating cancer of the blood that will kill almost 23,000 people this year alone. It is rare to find anyone today who does not know someone, a family member or a friend, who has battled leukemia. Recently, one of my former staff members, Jess Kieslowski, was diagnosed with leukemia. He is only 28. He left my office in May of this year to follow in his father’s footsteps and pursue a career in finance. On June 18th, Jess was diagnosed with Acute Myelogenous Leukemia, a form of the disease characterized by the uncontrolled production of immature white blood cells by the bone marrow. Jess is now back in South Dakota with his family and traveling to Minnesota to undergo an 11-week course of chemotherapy in preparation for a bone marrow transplant.

In comparison, Jess is one of the luckiest. His leukemia was caught early and he has just learned that his sister, Laura, is a bone marrow match. This match will reduce Jess’ risk of developing severe side effects from the transplant or rejecting the new cells. Only 30 percent of people with leukemia have a matching donor in their families. Others have to depend on the kindness of strangers who have registered their bone marrow types with the National Bone Marrow Registry and volunteered. In honor of Jess, a bone marrow registration drive is being held in Room 124 of the Senate Hart building on Friday from 10 a.m. to 2 p.m.

Because of the high rate of rejection associated with bone marrow transplants and the difficulty in finding donors, the National Institutes of Health and the private sector have developed other promising leukemia treatments, such as cord blood transplants and the pharmacological drug, Gleevec, the first of a slew of promising new drugs that target the underlying causes of the disease. To promote these innovative treatments, we must continue to support biomedical research. I applaud the efforts of our distinguished colleagues, Senators HATCH and DODD, who introduced legislation earlier this year that would encourage cord blood donations and registrations. This legislation has already been reported favorably by the HELP Committee and I hope the full Senate can take it up and pass it soon.

Additionally, the Senate has requested a $1 billion dollar funding increase for the NIH in fiscal year 2006 to promote Federal research and development. I urge my colleagues to support this resolution designating September as National Leukemia, Lymphoma and Myeloma Awareness Month. Doing so will further disseminate information regarding treatment innovations and will encourage Americans to become bone marrow or cord blood donors.

RECOGNIZING SEPTEMBER 2005 AS LEUKEMIA AND LYMPHOMA AWARENESS MONTH

Mrs. BOXER. Mr. President, I wish to express my support for designating September as Leukemia and Lymphoma Awareness Month. It is estimated that leukemia, lymphoma, and myeloma will kill an estimated 54,400 people in the United States this year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,400 people in the United States this year; and

Whereas the National Cancer Institute of the National Institutes of Health is committed to the elimination of suffering and death due to cancer by the year 2015; and

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate continues efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

Resolved. That the Senate designates September 2005, as “Leukemia, Lymphoma, and Myeloma Awareness Month” to—

(1) enhance the understanding of blood-related cancers;
(2) encourage participation in voluntary activities to support education programs; and
(3) support the funding of research programs to find a cure for blood-related cancers.

PASSAGE OF H.R. 2862

Mr. FRIST. Mr. President, this afternoon, the Senate passed the Commerce,
Justice, and Science appropriations bill with overwhelming bipartisan support. I want to thank my colleagues for their tremendous work on this legislation. This appropriations bill funds critical Government functions and includes significant Katrina-related measures.

Earlier this afternoon, I had the opportunity to thank both Senators Shelby and Mikulski for their great leadership on this bill. There was a fair amount of juggling in terms of scheduling that the committee and hearings were underway. Everybody showed good patience, and we produced a very good bill.

More than 350,000 families have been made homeless by the disaster that has unfolded over the last 2 weeks. The bill we passed today provides Federal housing assistance of up to $600 per family per month for up to 6 months to help those families get back on their feet. Families lost their homes, they have lost their communities, they have lost their jobs, and many families have lost everything. Their only possessions were contained sometimes in a single black plastic bag as they fled their homes.

These are extraordinary circumstances and they require extraordinary actions on our part. As you heard by the legislation that was passed, we are acting responsibly and aggressively in meeting the needs of those victims. Helping these families put a roof over their heads is one aspect of the real tragedy that has unfolded.

I thank people such as Senator Snowe for her hard work to help the small businesses recover. All of these efforts are part of this larger effort to respond and respond aggressively.

Under the bipartisan leadership of Senator Grassley and Senator Bau-
cus, today the Senate passed a comprehensive package designed to spur that economic process of getting people back on their feet and rebirth and regrowth.

The Grassley-Baucus legislation provides immediate and aggressive tax relief to help hurricane victims build their homes, restore their possessions, find housing, and find jobs. It allows them to dip into their retirement plans to cover short-term expenses without being penalized.

In addition, it promotes and rewards charitable giving. As we have seen over the last week and a half, Americans have poured out their hearts for the hurricane victims. In just over 2 weeks, private individuals and businesses have donated well over $700 million in contributions that is increasing every day. It is truly a testament to the character of the American people, to that wonderful spirit of the American people, that selflessness, that unselfishness, their compassion, and their generosity.

Here in the Senate, we are working hard to reflect those values and to deliver swift and meaningful actions.

Chairmen are working with ranking members to finish conversations so they can forward appropriate, well-thought-out Katrina legislation to myself and to the minority leader for possible Senate action, and Chairmen Enzi is working with Senator Kennedy on a series of temporary education law changes.

These measures will help tens of thousands of students affected by Katrina, as well as the school districts that are absorbing these displaced students. We need the administrator and in the aftermath of this devastating hurricane and the flood which followed we saw government at all levels not live up to expectations, and, really, fail at all levels.

It is our duty, and it is our responsibility in the Senate, in Congress, to analyze and to investigate, provide aggressive oversight in order to figure out what went wrong, in order to know what changes must be made and to those changes quickly and responsibly and to keep what went wrong from ever, ever, happening again.

Congress is going to step up to this important responsibility. We have begun that in the actions over the last 2 weeks.

Under the proposal I gave the Democrat leader, we would appoint a select committee with the members of the Homeland Security and Governmental Affairs Committee as members who are going to participate.

We are determined that the Gulf coast will be able to recover and be rebuilt bigger, stronger, and more prosperous than ever before. It is going to require a lot of leadership from all sectors, at the private and public arena, and at Federal-State and local levels. It is going to require the dedication of a lot of individuals.

I began today meeting with 100 or so leaders from across Louisiana who already are ready to come to Washington, DC. I met with Senator Vitter to listen to their ideas and their thoughts at the local level of how of how to contribute to this rebuilding of this vital part of Louisiana.

Tomorrow, we will meet with people all along that southern coast of Mississippi as well. I will actually be going to Alabama as well. It is this dedication of individuals, the doers, the thinkers, the ideologists who are going to participate.

We have legislation in the Senate that I have proposed. I met with Senator Dole to discuss the Homeland Security and Governmental Affairs Committee, will somehow fail the American people or will somehow be partisan or will somehow not be independent.

To me, it is an abdication of our responsibility not to have this select committee specifically made up to analyze and to investigate what went wrong.

The proposal was modeled on some of the most serious investigations that Congress has ever taken. Looking back to the 1973 Watergate committee, the 1994 Whitewater committee, and the 1997 campaign finance investigation, that is the model which I had proposed to the Democrat leader. Republicans in both the House and Senate are prepared to fulfill our constitutional obligations. I believe the boycott is irresponsible, it is an abdication of our responsibility. It begins to place partisan politics over finding answers for the American people.

We cannot wait 3 years for those answers. We need to investigate them and analyze the problems so we will have solutions in the short term, so we can quickly make changes and protect all
Amended. In challenging times, our country expects its leaders to work together and not to engage in any sort of petty bickering that slows down the process. It is time to get it done. The American people deserve better.

I ask unanimous consent my proposal to Section 3 be printed in the Record.

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

Resolved.

SEC. 1. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee administered by the Committee on Homeland Security and Governmental Affairs to be known as the “Special Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” (referred to in this resolution as the “special committee”).

(b) PURPOSES.—The purposes of the special committee are:

(1) To conduct an investigation and public hearings into, and study of—

(A) the development, coordination, and execution by local, State, and Federal authorities of the response to Hurricane Katrina;

(B) the Federal, State, and local government response to Hurricane Katrina;

(C) any other matter under the jurisdiction of the Committee on Homeland Security and Governmental Affairs to the extent that investigations and other activities in preparation for Hurricane Katrina;

(d) Any additional rules and procedures shall become effective upon publication in the Congressional Record.

(c) RULES AND PROCEDURES.—

(a) APPOINTMENTS.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each appoint additional staff members, including consultants.

(b) ASSISTANCE FROM THE COMPTROLLER GENERAL.—The Comptroller General of the United States is requested to provide to the Committee on Homeland Security and Governmental Affairs whatever personnel or other assistance as may be required by the special committee, or by the chairman or the ranking member.

(c) RULES AND PROCEDURES.—

The special committee may exercise all of the powers of the Senate, as authorized by a committee of the Senate under rule XVII of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) SUBPOENA POWERS.—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman of the committee with the concurrence of the ranking member, and may take the form of questions and may be served by the special committee or for use as evidence in the investigation, study, and hearings authorized by this resolution.

(2) COMMITTEE SESSIONS.—The special committee may meet at such times as may be determined by the chairman and the ranking member, or by the chairman or the ranking member.

(3) MEETINGS.—To sit and act at any time during sessions, recesses, and adjournment periods of the Senate.

(4) DEPOSITIONS.—To take depositions and other testimony under oath, and receive documentary or physical evidence relating to the matters that the special committee is authorized to investigate and study.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of—

(A) the members of the Committee on Homeland Security and Governmental Affairs;

(B) the chairman and ranking member of [TO BE SUPPLIED]

(2) ADDITIONAL RULES.—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate that it determines are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

(b) ORGANIZATION OF SPECIAL COMMITTEE.—

(1) CHAIRMAN.—The chairman of the special committee, or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the examination of any witness who objects to a question and the form of questions shall be noted for the record. If a witness objects to a question and the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(9) INFORMATION FROM OTHER SOURCES.—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization; to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) RECOMMENDATIONS TO THE SENATE.—To make to the Senate any recommendations,
SEC. 5. SALARIES AND EXPENSES.

(a) IN GENERAL.—A sum equal to not more than $500,000 for the period beginning on the date of adoption of this resolution and ending on February 15, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and expenses of members of the special committee. Such committee shall be authorized under this resolution, which shall include not more than $16,000 for the procurement of the services of individual consultants or organizations thereof, in accordance with section 4(11).

(b) VOUCHER REQUIREMENT.—Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 6. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) COMPLETION.—The special committee shall make every reasonable effort to complete its business and close out its affairs within 90 days.

(b) TERMINATION.—After submission of its final report, the special committee shall cease its business and close out its affairs within 90 days.

SEC. 7. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 8. COORDINATION WITH HOUSE INVESTIGATION.

The chairmen of the special committee, in conducting the investigation and study described in section 1, shall consult with the chairmen of the House Select Committee investigating the response of the Federal Government to Hurricane Katrina and the Standing Committees of the House investigating the parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas and joint staff interviews of key witnesses.

September 15, 2005.

The Hon. William Frist, Chairman, Majority Leader, U.S. Senate, Washington, DC.

Dear Bill: Thank you for providing me with your proposal to have the Senate establish a select committee to review this nation’s preparation for and response to Hurricane Katrina. Like you, I believe it is vitally important that we learn why our government’s leaders failed us and what steps can be taken to ensure it never happens again. The survivors of this tragedy and the American people deserve no less.

I remain hopeful that you will eventually agree to work with me to establish a truly independent commission to provide the American people answers about why their government failed them and what steps can be taken to ensure it never happens again. The survivors of this tragedy and the American people deserve no less.

Sincerely,

Harry Reid
U.S. Senate.

ORDERS FOR MONDAY,

September 19, 2005

Mr. Frist. Mr. President, I ask unanimous consent that the Senate completes its business today it adjourn until 2 p.m. on Monday, September 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate proceed to a period of morning business with the time equally divided until 3 p.m.

I further ask consent that at 3 p.m. the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.
Adjournment Until Monday, September 19, 2005, at 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the Clerk's direction until Monday; however, any votes that are ordered on Monday will be stacked to occur early on Tuesday morning.

Nominations

Executive nominations received by the Senate September 15, 2005:

Department of State

Michael R. Arrietti, of Connecticut, a Career Member of the Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Executive Office of the President

Karan K. Hatta, of Maryland, to be Deputy United States Trade Representative, with the Rank of Ambassador, Vice Josephine Sheehan Shinn.

Department of Labor

Edwin G. Fournier, of South Carolina, to be an Assistant Secretary of Labor, Vice John Lester Renshaw.

Richard Stuckler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, Vice David D. Laubrie, resigned.

In the Air Force

The following Air National Guard of the United States Officers for Appointment in the Reserve of the Air Force to the Grade Indicated under Title 10, U.S.C., Section 624:

To be brigadier general

Col. James S. Goodwin.

The following Air National Guard of the United States Officers for Appointment in the Reserve of the Air Force to the Grade Indicated under Title 10, U.S.C., Section 624:

To be brigadier general

Col. Roger C. Clements.

The following National Officers for Appointment to the Grade Indicated in the United States Air Force and Military Corps under Title 10, U.S.C., Sections 3333 and 3333a:

To be colonel

John M. Andrews.

In the Army

The following National Officers for Appointment to the Grade Indicated in the United States Army under Title 10, U.S.C., Section 1228:

To be colonel

William R. Everett.

The following National Officers for Regular Appointment in the Grades Indicated in the United States Army Medical Corps under Title 10, U.S.C., Sections 3333 and 3333a:

To be colonel

Stanley A. Bloustein.

To be major

Terry D. Neville.

The following National Officers for Appointment to the Grade Indicated in the United States Army under Title 10, U.S.C., Section 624:

To be lieutenant colonel

Darro B. Baratto.

To be lieutenant colonel

David A. Acucita.

To be lieutenant colonel

Christopher D. Baker.

To be lieutenant colonel

Jeffrey A. Baker.

To be lieutenant colonel

Richard B. Barkett.
To be lieutenant colonel

MICHAEL A. WEIGHT, 0000
WADI S. YAMADA, 0000
HUGEN H. YANCEY III, 0000
DANIEL R. ZALEWSKI, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625) THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625)

To be lieutenant colonel

MICHAEL A. WEIGHT, 0000
WADI S. YAMADA, 0000
HUGEN H. YANCEY III, 0000
DANIEL R. ZALEWSKI, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625) THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625)

To be lieutenant colonel

MICHAEL A. WEIGHT, 0000
WADI S. YAMADA, 0000
HUGEN H. YANCEY III, 0000
DANIEL R. ZALEWSKI, 0000
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625) THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 625)
The following named officer for appointment to the grade indicated in the United States Army Medical Servicems and for regular appointment under Title 10, U.S.C. sections 531, 534, and 364:

To be major

MICHAEL J. ALLEN, 0000
STANLEY M. AMUNDSON, 0000
PAUL A. BLUNDILL, 0000
EARL T. Bowers, 0000
ROBERT J. Brott, 0000
JEFFREY A. BURKEM, 0000
BEVERLY ANN CARL, 0000
DALE A. CODE, 0000
SCOTT C. CROSSFIELD, 0000
KEVIN M. DOUGLASS, 0000
LYNDON S. FURGUSON, 0000
ROBERT J. GLAZEBROOK, 0000
DAVID V. GREEN, 0000
KENNETH L. HAFTON, 0000
LAWRENCE B. HAMBLE, JR., 0000
THOMAS S. HAVELD, 0000
ANTHONY W. HORTON, 0000
KENNETH J. KIRK, 0000
DINNIS V. HYSOM, 0000
TIMOTHY D. KUEHL, 0000
YOUNG D. KIM, 0000
MICHAEL S. KNIGHT, JR., 0000
RAJU ON KOPIC, 0000
YO S. LEI, 0000
DAVID W. LILE, 0000
PAUL D. MASER, 0000
KARIN L. MEEKER, 0000
KEVIN B. MELLIS, 0000
WILLIAM C. NICHOLAS, JR., 0000
DARWIN W. PATTON, 0000
MICHAEL L. REEVES, 0000
GINA D. ROBBINS, 0000
ROY A. ROJUDEZ, 0000
DAVID SANTANDREU, 0000
STEVEN L. SIMPSON, 0000
PHILIP T. SMILEY, 0000
ROBERT A. SMITH, 0000
JEFFREY L. SPANGGLER, 0000

To be captain

BRIAN L. ADAMS, 0000
MATTHEW L. AGUS, 0000
NATIONAL A. AMINNA, 0000
STEVEN K. BARKER, 0000
JOHN B. BALMAN, 0000
TIMOTHY S. BATH, 0000
DANIEL A. BELL, 0000
Misty D. BLOCKER, 0000
HOOVER T. BURKE, 0000
JASON K. BURGESS, 0000
CICILIA T. CHENG, 0000
ROBERT CLARK, 0000
MICHAEL A. CLEMISHAW, 0000
KRYNIV M. CRON, 0000
CHAD M. CRUISE, 0000
PATRICK T. DAVIS, 0000
KRYNIV B. DICKAY, 0000
RICHARD B. DELAHAN, 0000
RAMONA A. DEVREUX, 0000
THOMAS C. DOVIA, 0000
CHRISTOPHER H. FINCH, 0000
SUZANNE M. GILLER, 0000
JOSEF B. GORSCH, 0000
THOMAS H. GEIGERT, 0000
BRY D. GUMBER, 0000
KRYNIV B. GUTHMILLER, 0000
ATREE M. HAYDEN, 0000
KRYNIV B. HILKARG, 0000
TIMOTHY J. HILL, 0000
LINDA C. HIRD, 0000
JENNIFER M. HOFFMAN, 0000
JOHN R. HOBBINS, 0000
JACOB S. HOEUE, 0000
JAMIES T. HOUCK, 0000
TIMOTHY V. JARDIELE, 0000
JENNIFER S. KICKER, 0000
TRISTAN L. KNOTSEY, 0000
JOHANNES K. KONE, 0000
TINA M. SOBERHACK, 0000
CHRISTOPHER M. KREIS, 0000
CELESTE S. KRUSE, 0000
HAY T. KUEH, 0000
CLAYTON V. LAMON, 0000
FELSA S. LEWIS, 0000
KIRK N. LIESEMER, 0000
GIGBO P. LIN, 0000
DIXTER L. LOVETT, 0000
LAUREL D. LUMAW, 0000
RICH T. MAGRA, 0000
JAMIES M. MAITZUCK, 0000
TODD J. MACEARTHUR, 0000
ERICK W. McCANN, 0000
JAY R. MCKINNA, 0000
MEGAN L. MENGOL, 0000
GABRIEL J. NEYMAN, 0000
LUKE E. MICHIE, 0000
DEBORAH L. MOORS, 0000
MICHAEL R. MOOE, 0000
KRYNIV L. MOURY, 0000
ELDA S. O'BRIEN, 0000
ANASTASIJA M. PIOTROWSKI, 0000
AUTUM M. RICHARDS, 0000
BETH T. SALE, 0000
JASON E. SALLE, 0000
MICHAEL A. SHARMA, 0000
JUSTIN M. SHEED, 0000
EARL J. SMITH, 0000
MELIA STETT, 0000
LEAH M. STROH, 0000
SHANE M. SUMMERS, 0000
LELAND D. TAYLOR, 0000
SARAH K. TAYLOR, 0000
BRITT J. TLOZDEY, 0000
SADA TORNHOL, 0000
ZACHARY R. TOW, 0000
JAMES V. TWIDBE, 0000
ERIC C. UHLIK, 0000
PATRICK J. VOORENS, 0000
DAVID L. WATKE, 0000
JUSTIN M. WELLS, 0000
MICHAEL J. WILBRILM, 0000
KAREN L. WILSON, 0000

To be first lieutenant

TIMOTHY K. BERTUCO, 0000
SCOTTY T. FESTA, 0000
LATTAYA R. JONES, 0000
DONALD J. MCNEIL, 0000
CAMERON R. R. O'NEIL, 0000
MOSES SOTO, 0000

The following named officers for regular appointment in the grade indicated in the United States Army Nurse Corps under Title 10, U.S.C. sections 531 and 364:

To be major

JACQUELINE B. CHIN, 0000
RICHARD P. DUNCAN, 0000
STEPHEN R. EDDIES, 0000
ROUSEMARIE P. KIRNER, 0000
JAMES W. NEWTON, 0000
GARY W. TRYNSZIESKI, 0000

CONGRESSIONAL RECORD — SENATE
To be lieutenant commander

BARRY L. JAMS, JR., 0000
THOREN G. R. JOHNSON, 0000
MARY V. RAPPOTRITZ, 0000
KEVIN S. ROBERTS, 0000
FREDERICK M. SAYT, 0000
OWEN M. SCHOOLSKY, 0000
JOSEPH N. SKONA, 0000
DOUGLAS K. SHAMLIN, 0000
MATTHEW N. SMITH, 0000
SHIRINDIN T. SMITHE, 0000
ROBERT J. SUE, 0000
PAUL B. SUHR, 0000
STEPHEN M. UGOLINI, 0000
CHRISTOPHER A. VEEH, 0000
DOUGLAS A. WHEELTON, 0000
NORMAN D. WOOGOCH, 0000
HOLLY A. YUDKIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNIFORM TITLE 10, U.S.C., SECTION 842:

To be lieutenant commander

BARRY L. JAMS, JR., 0000
THOREN G. R. JOHNSON, 0000
MARY V. RAPPOTRITZ, 0000
KEVIN S. ROBERTS, 0000
FREDERICK M. SAYT, 0000
OWEN M. SCHOOLSKY, 0000
JOSEPH N. SKONA, 0000
DOUGLAS K. SHAMLIN, 0000
MATTHEW N. SMITH, 0000
SHIRINDIN T. SMITHE, 0000
ROBERT J. SUE, 0000
PAUL B. SUHR, 0000
STEPHEN M. UGOLINI, 0000
CHRISTOPHER A. VEEH, 0000
DOUGLAS A. WHEELTON, 0000
NORMAN D. WOOGOCH, 0000
HOLLY A. YUDKIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNIFORM TITLE 10, U.S.C., SECTION 842:

To be lieutenant commander

BARRY L. JAMS, JR., 0000
THOREN G. R. JOHNSON, 0000
MARY V. RAPPOTRITZ, 0000
KEVIN S. ROBERTS, 0000
FREDERICK M. SAYT, 0000
OWEN M. SCHOOLSKY, 0000
JOSEPH N. SKONA, 0000
DOUGLAS K. SHAMLIN, 0000
MATTHEW N. SMITH, 0000
SHIRINDIN T. SMITHE, 0000
ROBERT J. SUE, 0000
PAUL B. SUHR, 0000
STEPHEN M. UGOLINI, 0000
CHRISTOPHER A. VEEH, 0000
DOUGLAS A. WHEELTON, 0000
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THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNIFORM TITLE 10, U.S.C., SECTION 842:
CONGRESSIONAL RECORD — Extensions of Remarks

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING
SELENA STEALEY

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Selena Stealey is a dedicated young woman worthy of merit and recognition; and

Whereas, Selena Stealey has been acknowledged by the United States Government for her caring efforts toward Hurricane Katrina victims and their pets; and

Whereas, Selena Stealey should be commended for her excellence in collecting and raising pet supplies.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Selena Stealey for her outstanding accomplishment.

IN HONOR OF THE 100TH ANNIVERSARY OF THE GREEN BAY EAST—GREEN BAY WEST HIGH SCHOOL FOOTBALL GAME

HON. MARK GREEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to recognize Green Bay East and West High Schools as they prepare to celebrate their 100-year-old football rivalry this weekend.

The seed for this historic gridiron contest was planted a century ago, on November 30, 1905. Football fans from across the region came out in droves to support their teams, and their enthusiasm quickly spilled out into the surrounding communities. Now, one hundred years later, it is one of the most intense and emotional high school sporting events in the state of Wisconsin and the nation.

For many years the football game between East and West High School was the largest public event in the city, with only Green Bay Packer games drawing a larger crowd. The celebration in Green Bay this weekend is one of community and pride, where friends and family can come together to reflect on the traditions of school spirit, kinship and community.

Mr. Speaker, it’s my pleasure to recognize this historic football game and pay tribute to the one hundred years of tradition surrounding it. On behalf of the residents of Wisconsin’s 8th Congressional District, I say congratulations and best of luck to both teams this weekend!

CONGRATULATIONS TO MR. GEORGE MARTI

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EDWARDS. Mr. Speaker, George Wesley Marti was born in Oak Grove, Texas in southern Tarrant County, the son of John and Lula Bell Marti. Driven by the great influence of his grandmother and fascination with radio, George Marti had a vision and developed a business plan at the young age of thirteen that involved establishing a radio station in the city of Cleburne, Texas.

In 1937, three years after the original formulation of his business plan for a Cleburne radio station, George Marti earned his Radio Telephone 1st Class Operator License and Amateur Radio License, at the age of sixteen. Entering the United States Marine Corps in 1942, George Marti later enrolled in the Radio Material School of the Naval Research Laboratory in Washington, DC. George Marti graduated from this training, in 1943, the first in his class, and proceeded to serve on the maiden voyage of the USS Freland, later taking command of the communications for Marine Air Group 13 in American Samoa.

After being discharged in 1945, George Marti realized his vision of opening a radio station in Cleburne, Texas, with the on air debut of KCLE in April of 1947. Marti Electronics began to manufacture full time the Marti Remote Pickup System of his own invention that allowed reporters to broadcast remotely for the first time without the installation of telephone wires. By 1994, “The Marti,” was operating in more than 80 percent of the radio stations.

George Marti established the Marti Foundation in 1988 in order to provide college scholarships to students of Johnson County that could otherwise not afford to go to college. The Marti Foundation has provided 551 scholarships in its 17 year history, and is currently supporting over 100 students at this very moment. Marti Foundation scholarships enjoy a 95 percent graduation rate.

In addition to his many accomplishments as Mayor of the City of Cleburne, Texas from 1974 to 1986, George Marti has been named the National Association of Broadcasters’ 1991 Engineer of the Year, in 2002 the first inductee to the International Charolais Association Hall of Fame, in 2002 the first inductee to the Texas Association of Broadcasters’ Hall of Fame.

George Marti continues a long history of service and devotion to his home of Johnson County, and is a most valued and regarded citizen of Cleburne, Texas.

I am proud to call George Marti my friend.

MARKING THE 100 YEAR CELEBRATION OF THE CITY OF AMMON, IDAHO

HON. MICHAEL K. SIMPSON
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to join with the community of Ammon, Idaho, in celebrating the city’s 100th anniversary. This important milestone has been reached through the hard work and tenacity of the early settlers as well as the vision and spirit of today’s citizens.

The City of Ammon is located to the east of the City of Idaho Falls in Bonneville County. It is one of east Idaho’s fastest growing communities. Early settlers would hardly recognize the flourishing business district and the numerous residential developments.

The population of Ammon now exceeds 10,000, with a median age of only 28 years for its residents. Many young families are enjoying the ambiance of a small town as well as the convenience of living within a few miles of a large metropolitan center. Their enthusiasm and willingness to volunteer time and energy are helping the community to grow and prosper.

A multitude of new businesses are joining the older more established ones of Ammon’s early years to develop a vibrant, thriving economy.

Mr. Speaker, I would like to congratulate all those who have been involved in the “100 year celebration of the City of Ammon”. I know many of the citizens of Ammon and have enjoyed their friendship over the years. I have worked with Mayor Ard on projects to better the City of Ammon, and I wish him and all the members of the community well as they begin an exciting second hundred years.

A PROCLAMATION RECOGNIZING ALLEN R. STANFORD

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Allen R. Stanford has been recognized as the 2006 Recipient of the “Excellence in Leadership Award” by the Inter-American Economic Council; and

Whereas, Allen R. Stanford has been acknowledged for his performance and leadership in the areas of finance and investments; and

Whereas, Allen R. Stanford should be commended for his service as the CEO of the Stanford Financial Group based in Houston, Texas.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Allen R. Stanford for his outstanding accomplishments.
Mr. GREEN of Wisconsin. Mr. Speaker, I rise today to commemorate the life of Dr. Yang Pobzeb, an extraordinary man who recently passed away on August 23, 2005 after a life of passionate service to human rights and the Hmong people across the globe.

Dr. Pobzeb began his activism in the mid-1970s and was among the first to achieve national recognition in the Hmong American Community. In 1987 he founded the Lao Human Rights Council—an organization devoted to improving the living conditions of Hmong people both in Laos and the U.S. Dr. Pobzeb was a tireless advocate for a people and culture that faced tremendous persecution, and he took every opportunity to remind the international community of the plight of the Hmong people in Laos. I was proud to work together with him, time and time again, in this fight.

Mr. Speaker, it is my distinct honor to commemorate the life of such an incredible man. Dr. Pobzeb was truly an exemplar of compassion and dedication, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I offer my condolences to his family, and pay tribute to his life of activism and sacrifice.

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to recognize a champion of the Waco, Texas community, Reverend Lawrence Soler. I would like to extend my most sincere thanks and congratulations to Father Soler for his principled service and dedication to the needs of his parishioners. We are celebrating Rev. Soler's 50th year in the priesthood.

Rev. Lawrence Soler has served as Pastor of Sacred Heart Church for over 27 years. He also served as Pastor of St. Francis Church for several years. During his tenure at Sacred Heart Church, Rev. Lawrence Soler directed the fundraising and construction of a new $1.2 million-dollar sanctuary to accommodate the ever-increasing Catholic community of south Waco. In the last 2 years, he directed the fundraising and construction of a new Parish Activity Center also.

During his service at Sacred Church, he has conducted thousands of marriages, baptisms, confirmations, and communions. The work of Reverend Soler is a model of selfless service and sacrifice. His generous spirit and tireless efforts on behalf of the community have undoubtedly touched countless lives.

It is my privilege to honor the contributions of Reverend Lawrence Soler and I personally want to thank him for the shining example he has given to us all and wish him well in his future endeavors.

Thank you my friend.

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Marion Gatewood has been recognized for being inducted into the Muskingum County Farm Bureau Hall of Fame; and

Whereas, Marion Gatewood has been acknowledged for her long commitment to farming by the members of the Muskingum County Farm Bureau; and

Whereas, Marion Gatewood should be commended for her outstanding dedication to Muskingum County and for her exceptional knowledge and contributions to their farming community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Marion Gatewood for being inducted into the Muskingum County Farm Bureau Hall of Fame.
direct assistance that includes support services, education, advocacy, placement and referral. The Council helps to increase self esteem and self determination and decrease dependency on government subsidies. Under her strong leadership the Council moved from a budget of $400,000 to a multi-million dollar organization. Its growth not only demonstrated the great need for such an organization in the Bronx but also the strong leadership and vision of Reeves.

This past week the world watched in disbelief as Hurricane Katrina destroyed a major American city. As well as a storm without precedence in history as the worst natural disaster to strike this Nation, it had much more significance. Katrina forced Americans to remove the wool that many had placed over their eyes to face the grim reality that there are millions of people in this country who live in utter poverty. Perhaps now Americans will realize the great responsibility they have to uplift those who are most vulnerable in our society. The life of Reeves Dixon is a shining example of how every American should lead his/her life—working for the man, for the community, and for the people. Reeves’ dedication to her community, much like the Nation as a whole, could not survive if its most vulnerable citizens were not protected. As a result she spent her life empowering others.

Although Reeves has passed on, the many good works that she did will continue to benefit those others for generations to come. Surely that is the mark of great life. For her unyielding spirit and kind heart I ask my colleagues to join me in saying goodbye to a dear friend and role model to us all—Ms. Reeves Dixon.

A SALUTE TO DR. BILLY TAYLOR

HON. JOHN CONYERS, JR.

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Caucus and Congress that occurs during the Congressional Black Caucus Foundation’s Annual Legislative Conference, I rise to salute the lifetime achievements of one of the most distinguished artists in American music history, Dr. Billy Taylor. The following biography, found on the Kennedy Center’s web site, chronicles a career of accomplishment deserving of such high recognition, and of this body’s thoughtful attention and respect:

“Billy Taylor arrived in New York City on a Friday evening in 1942. He headed for Minton’s Playhouse in Harlem, where he was heard by one of his idols, tenor saxophonist, Ben Webster. The following Sunday Taylor began his professional career, playing with Webster’s quartet at the Three Deuces alongside Webster, Big Sid Catlett and Charlie Drayton. During this time Billy was Art Tatum’s protege and Jo Jones was his ‘appointed guardian.’

‘Taylor worked with Machito’s Afro-Cuban band, replaced Erroll Garner in the Slam Stewart Trio, and became a member of the Don Redman Orchestra, the first American jazz band to tour Europe after World War II (1946). He also played on Broadway in Billy Rose’s ‘The Seven Lively Arts,’ opened for Billie Holiday in ‘Holiday on Broadway,’ and played in the pit band for ‘Blue Holiday,’ starring Ethel Waters, Mary Lou Williams and the Katherine Dunham dancers.

‘He played a lot of gigs along the north-east corridor—the Earle Theater in Philadelphia, The Royal Theater in Baltimore, the Apollo in Philadelphia, and the Rivoli in NYC. In 1949 he got a call to sub for Al Haig with Charlie Parker and Strings at Birdland. This was the beginning of his two-year stint as house pianist at that legendary jazz club. He played with everybody—Charlie Parker, Dizzy Gillespie, Art Blakey, Hank Mobley, Miles Davis, and Kenny Dorham among others. Opposite his opponents such bands as Duke Ellington, Count Basie, Stan Kenton and Lennie Tristano, his tenure at Birdland was one of Taylor’s greatest learning experiences.

‘Billy made some recordings with his own group during the early 1950’s for such labels as Prestige, Riverside, ABC Paramount, Impulse, Sesac, Mercury and Capital Records.

‘He also recorded albums with Quincy Jones, Sy Oliver, Mundell Lowe, Neal Hefti, Eddie ‘Lockjaw’ Davis, Eddie ‘Lockjaw’ Davis, Johnny Williams, Tito Puente, Coleman Hawkins and Dinah Washington. He even started his own music publishing company, Duane Music, Inc.

‘Also about this time Taylor started writing about jazz and giving lecture-clinics to music teachers interested in teaching jazz. He began to witness first-hand, the serious lack of funding for the arts and humanities and began to focus on radio and television in order to gain better exposure for America’s classical music. He helped to facilitate many local and national broadcasts and provided him to perform. Some in broadcast studios, others in nightclubs, dance halls, and hotels. In 1958 he was named Musical Director of the first series ever produced about jazz, ‘The Subject Is Jazz’ (NET). His house band for these 13 programs included Doc Severinsen, Tony Scott, Jimmy Cleveland, Mundell Lowe, Earl May, Eddie Safranski, Ed Thigpen and Osie Johnson. Guests included none other than Willie ‘The Lion’ Smith, Duke Ellington, Langston Hughes, Jimmy Rushing, Bill Evans and Aaron Copland among others.

‘During the 1960’s Taylor was working regularly with his trio and hosting his own daily radio show on New York’s WLIB. He was making guest shots on various TV shows and recording for Capital Records, when the Beatles began to nip at the heels of Taylor and other highly successful members of the Capital family like Frank Sinatra, Nat King Cole, and Peggy Lee. Rather than continue to be neglected, Taylor opted to forget about recordings for the time being and concentrate on streaming progress on WLIB led to a post at the popular WNEW, playing jazz for their affluent middle-of-the-road audience. He continued to perform as well during this period, usually with his trio and sometimes with larger ensembles.

‘In the early 1970’s, Taylor was named Musical Director for the popular daily television show, The David Frost Show. Many feel he had the best jazz band on TV at that time. They played an hour jazz concert every night for the studio audience, and at least twice a week, Frost booked guests like Louis Armstrong, Charlie Parker, Art Blakey, Miles Davis, and Buddy Rich to play and be interviewed. Two recordings were made with Taylor’s band on the Frost show before the show came to an end three and a half years later. Billy Taylor returned to WLIB, this time as program director of the station and began to build the largest jazz audience in New York City. Simultaneously he had his own local television program on New York’s Channel 47. It was about this time that Taylor was approached to enroll in the doctoral program at the University of Massachusetts at Amherst. He had been an adjunct professor at C. W. Post College in New York and a visiting professor at Howard University, and felt the need to organize his teaching materials so that they might be effectively used by others. After a few years of intense study, he earned his combined Masters and Doctorate in Music Education (1975). But he sorely missed playing and writing music. He had been appointed to the National Council for the Arts by President Nixon in 1970, and although this was a tremendous honor, the amount of time required to be an effective arts advocate took precious time away from practicing his music. Nonetheless, he tackled the task at hand, alongside his distinguished colleagues, Maurice Abravanel, Eudora Welty, Ralph Ellison, and Eudora Welty, doing so much to make the arts available to everyone. It was a highly productive and rewarding period for Taylor, but not especially creative, musically.’

‘Sometimes things work themselves out in mysterious ways. Maurice Abravanel commissioned Taylor to write ‘Suite For Jazz Piano and Orchestra’; T. J. Anderson commissioned him to write ‘Make A Joyful Noise’; the University of New Hampshire commissioned him to write a dance suite, ‘For Rachel’; the Kennedy Center fundraising period for Taylor, but not especially creative, musically.

‘Dr. Billy Taylor worked with Machito’s Afro-Cuban band, replaced Erroll Garner in the Slam Stewart Trio, and became a member of the Don Redman Orchestra, the first American jazz band to tour Europe after World War II (1946). He also played on Broadway in Billy Rose’s “The Seven Lively Arts,” opened for Billie Holiday in “Holiday on Broadway,” and played in the pit band for “Blue Holiday,” starring Ethel Waters, Mary Lou Williams and the Katherine Dunham dancers.’
continued his work as a performer both on the bandstand and on television & radio as well. He hosted his own jazz piano show for Bravo, “Jazz Counterpoint,” which featured such artists as George Shearing, Marian McPartland and Ramsey Lewis, along with two different NPR series: David’s Diamonds” and “Taylor Made Piano,” which traced the history of jazz using the piano to tell the story. Based upon Dr. Taylor’s book, “Jazz Piano,” “Taylor Made Piano” won a Peabody Award and generated more requests for tapes than any previous NPR program. As the ’80s drew to a close, Billy Taylor signed with GRP/Impulse, making some of his most popular recordings, including the re-release of My Fair Lady Loves Jazz (arranged by Quincy Jones) It’s A Matter of Pride, Dr. T (featuring Gerry Mulligan) and Homage (featuring the Turtle Island String Quartet) which received a Grammy nomination in 1996. During the ’90s Dr. Taylor was named Artistic Advisor for Jazz to the Kennedy Center for the Performing Arts in Washington, D.C. Since 1994, under the umbrella of Jazz at the Kennedy Center, Taylor has developed one acclaimed concert series after another including the Art Tatum Pianorama, the Louis Armstrong Legacy series, the annual Mary Lou Williams Women in Jazz Festival, Beyond Category, Betty Carter’s Jazz Ahead and the Jazz Ambassadors Program. His nationally broadcast NPR series, “Billy Taylor’s Jazz at the Kennedy Center” is recorded live and features a mix of performances, audience Q & A, and conversations with musical guests. (see the Education/Residencies section of this website). Billy pioneered this play, a little talk, a little format in the early ’80s, with his “Jazz Models & Mentors” series, presented four times a year at New York’s Metropolitan Museum of Art. Taylor performs regularly with his current trio (Chip Jackson/bass & Winard Harper/drums) as well as with his long time friend, pianist Ramsey Lewis. When he’s not touring, composing or recording, he can be found in classrooms throughout the country, conducting master classes, workshops and lecture/demonstrations. As he approaches his 80th birthday remains totally dedicated to nurturing jazz and creating new forums and opportunities for the artists who perform it. He encompasses that rare combination of creativity, intelligence, vision, commitment and leadership, all qualities that make him one of our most cherished national treasures.”

In March 2005, Dr. Taylor retired from concert performance.

A PROCLAMATION RECOGNIZING ROB VERNON

HON. ROBERT W. NEY
OF OHIO IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY, Mr. Speaker:
Whereas Rob Vernon has been a dedicated president of the Muskingum County Farm Bureau worthy of merit and recognition; and
Whereas, Rob Vernon should be rewarded for his passion and commitment toward farming; and
Whereas, Rob Vernon should be commended for the excellence and devotion with which he served the county of Muskingum. Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Rob Vernon for his outstanding accomplishments.

RELIGIOUS LEADERS SPEAK OUT ON BUDGET

HON. TOM PRICE
OF GEORGIA IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. PRICE of Georgia. Mr. Speaker, our national budget and spending bills reflect our values, our priorities, our current state of mind in any given year. In recent years those priorities have been skewed heavily in favor of helping the rich and eroding protections for the poor. Our country’s religious leaders recognize that danger, and for the second time this year have issued statements calling on our government to truly care for the least among us and to abide by a budget and spending plan that reflects the higher values and morals of our country. I would like to submit for the RECORD a letter from the leaders of many of the major Protestant churches in our country and another by the National Council of Jewish Women calling on Congress not to abandon the poor in the aftermath of Katrina. The budget reconciliation process should not be used to further reduce funding for education, food stamps, health care, and other critical domestic priorities while spending billions for the wealthiest among us.

THE EPISCOPAL CHURCH, USA, EVANGELICAL LUTHERAN CHURCH IN AMERICA, PRESBYTERIAN CHURCH (U.S.A.), UNITED CHURCH OF CHRIST, UNITED METHODIST CHURCH.

September 13, 2005,

DEAR MEMBERS OF CONGRESS: As leaders of our respective denominations we have long sought an end to the injustices inherent in poverty. We have never seen these injustices born out so vividly in our own country as in the aftermath of Hurricane Katrina. The devastation wrought by Katrina has exposed the anguish faces of the poor in the wealthiest nation on the planet. These faces, when we recall the message Jesus gave us to remember that racial disparities and poverty exist in almost every community in our nation. They also compel us to set before Congress once again our concerns for the FY ’06 federal budget and its impact on people living in poverty. With renewed urgency, we call on Congress to strike the FY ’06 federal budget reconciliation process immediately. We believe our federal budget is a concrete expression of our shared moral values and priorities. Congress responded appropriately and quickly in appropriating needed funds to ensure a adequate immediate response to Hurricane Katrina; our denominations have mobilized and are responding in prayer and financial support and direct service to those in need. Yet, just as disaster struck the Gulf Coast, the U.S. Census Bureau reported in very particular detail that poverty in the United States is growing: The annual report, Income, Poverty, and Health Insurance Coverage in the United States: 2004 showed that 37.0 million people lived in poverty in 2004, an increase of more than one million people since 2003.

In April, during consideration of the budget, representatives of the Religious Community Services of the United States expressed concern that “As we view the FY ’06 Federal Budget through our lens of faith this budget, on balance, continues to ask our nation’s working poor to pay the cost of a prosperity in which they may never share.” It is clear that programs such as Medicaid and the Food Stamp Program that were slated for cuts by Congress will in fact have greater burdens placed on them as a result of Hurricane Katrina. These programs are not simply entitlements or “government hand-outs” but that the deep and abiding commitment of a nation to care for the least among us.

Believe us when we tell you that even before Hurricane Katrina’s devastation the Bureau’s report, neither we nor our friends of other faiths had the resources to turn back the rising tide of poverty in this country. The FY ’06 reconciliation bill that is working its way through the authorizing committees will send more people searching for food in cupboards that, quite frequently, are bare. We commit ourselves to working for economic policies infused with the spirit of the One who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him “to bring good news to the poor.”

The Most Reverend FRANK T. GRISWOLD, III
Bishop and Primate of the Episcopal Church, USA.

The Right Reverend MARK HANSON
Presiding Bishop of the Evangelical Lutheran Church in America.

The Reverend Dr. CLIFTON KIRKPATRICK, STATED CLERK OF THE GENERAL ASSEMBLY, PRESBYTERIAN CHURCH (U.S.A.).

The Reverend John H. THOMAS,
General Minister and President, United Church of Christ.

JAMES WINKLER,
General Secretary, General Board of Church and Society, United Methodist Church.

NATIONAL COUNCIL OF JEWISH WOMEN URGES NEW NATIONAL PRIORITIES IN KATRINA’S WAKE

NEW YORK, Sept. 12, 2005,—In the aftermath of Hurricane Katrina, National Council of Jewish Women (NCJW) President Phyllis Snyder issued the following statement:

We have watched with alarm the tragedy that continues to unfold in New Orleans and the Gulf Coast as a result of Katrina. Our hearts go out to all of the people who have suffered from this disastrous hurricane—those who have lost loved ones, homes, livelihoods, and their communities.

We applaud the efforts of individuals who have worked day and night to rescue and provide relief to those victimized by Katrina. So, too, we salute the countless volunteers, many of whom are from NCJW, working to assist evacuees who have relocated to their communities.

This is a tragedy compounded by the grave mistakes made by the very people and institutions charged with keeping us safe. We urge the establishment of an independent commission of inquiry with adequate budget to fully investigate and subsequently to make recommendations to prevent a catastrophe of this proportion. It is important that this effort rise above partisan politics in order to determine exactly what went wrong and to make recommendations for the future.

Recovering from Katrina will necessitate measures that go well beyond the immediate
RECOGNIZING OFFICER ROBERT FERRARA

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mrs. KELLY. Mr. Speaker, I stand here today to honor a dedicated and heroic public servant from the Nineteenth Congressional District of New York. We nearly lost one of our finest citizens when Town of Chester Police Officer Robert Ferrara was critically injured while serving in the line of duty.

Officer Robert Ferrara, age 34, was seriously wounded on the night of July 20, 2005, when a drunk driver smashed head-on into his police vehicle. He suffered multiple fractures throughout his body including: a punctured lung, a ruptured spleen, a lacerated liver, a kidney abrasion, and a laceration to his head.

Officer Ferrara has dutifully served the Town of Chester since 1999 as a police officer. Previously, he spent 4 years working as a Deputy Sheriff with the Orange County Sheriff’s Office. In addition to his public service, Officer Ferrara is the dedicated father of a 7-year-old girl.

Office Ferrara’s relentless determination and resolve to overcome tragedy has served as a guiding light. His willpower and inner strength have touched his family, his friends, and even those who never met him but have heard of his courage. His community has been inspired by Officer Ferrara. Over 200 people recently participated in a blood drive in his honor, with some waiting in line for hours.

Officer Ferrara deserves recognition for he symbolizes the likes of an exemplary officer and diligent public servant possessing an unwavering commitment to serving others and protecting the well-being of the community.

A PROCLAMATION IN MEMORY OF LOUIS MENDELSON

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. NEY. Mr. Speaker: Whereas, I hereby offer my heartfelt condolences to the family and friends of Louis Mendelson; and

Whereas, Louis Mendelson will certainly be remembered by all those who knew him because of his upright character; and

Whereas, Louis Mendelson was born and raised in Bellaire, Ohio and owned the former Berman’s Men Store in Bellaire; and

Whereas, Louis Mendelson was active in many endeavors in his community as a member of the Temple Shalom Synagogue in Wheeling, West Virginia, a member of the Baltaire Area Chamber of Commerce, and Baltaire Kiwanis Club; and

Whereas, Louis Mendelson will be remembered and honored for his public service as a U.S. Army Veteran of World War II.

Therefore, I urge all Americans to understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Louis Mendelson.

CONTRIBUTIONS OF NORTH TEXANS TO HURRICANE KATRINA RELIEF

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and commend the compassionate contributions of North Texans towards the hurricane relief efforts. During the past two weeks, television news across the nation have brought into our homes images of the terrible destruction and suffering caused by Hurricane Katrina. Obviously, our hearts ache at seeing our fellow Americans in desperate need, struggling at first just to survive, and now beginning to put their lives back together, one piece at a time.

This desperation and despair, however, has not gone unanswered. Americans have come through this massive relief effort. This support has been generously provided by Dallas Area Rapid Transit, who have distributed over 3500 transit passes to evacuees, and the Dallas Water Utilities Distribution Division has assisted by providing pallets and personnel at the Dallas Convention Center.

The area’s first responders have acted with bravery and selflessness. The Dallas Police Department has committed over 300 officers to support evacuee operations. The Texas State Guard has provided invaluable medical and shelter management services, deploying over 250 guardsmen to the Convention Center and Reunion Arena shelters alone. Fire Rescue and EMS personnel have lent their expertise to the relief effort at shelters throughout Dallas, and nearly two thousand patients have been served.

The Surgeon General of the United States, Richard Carmona, has described medical operations in Dallas as “nothing short of astounding,” and Mr. Justo Hernandez, the coordinating officer of the Federal Emergency Management Agency, has reported that, in his 17 years of service with the agency, FEMA has never been as well received as it has in Dallas. Louisiana State Representative Derrick Shepherd described the effort as a “first class administration of a difficult administration” and New Orleans Mayor Ray Nagin stated, “People are doing great work everywhere in Texas.”
Clearly, world renowned Texas hospitality has lived up to its reputation. The spirit of the North Texas community is strong and kind, and I commend all North Texans who have contributed toward the restoration of hope for their fellow man.

RECOGNIZING CHRISTIANSBURG, VIRGINIA CHIROPRACTOR FOR SERVICE TO THE CHIROPRACTIC PROFESSION

HON. RICK BOUCHER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BOUCHER. Mr. Speaker, next week, the American Chiropractic Association—the nation's largest professional association for doctors of chiropractic—will elect a new Chairman of the Board of Governors at their annual conference in St. Paul, Minnesota. The outgoing Chairman, the chair since 2003, is a constituent of mine who practices in Christiansburg, Virginia: Doctor of Chiropractic, George B. “Mac” McClelland.

Dr. McClelland is a 1969 graduate of National College of Chiropractic and has practiced chiropractic for more than 30 years. He was elected chairman of the Board of Governors during ACA's 40th Annual Business Meeting in Albuquerque, New Mexico, September 20, 2003.

Dr. McClelland has been extremely involved in the chiropractic profession for many years. He has served on the ACA Board of Governors since 1999, and on its executive committee for the past two years. Prior to being elected to the Board, Dr. McClelland served as ACA's Virginia Delegate for 18 years. In addition, Dr. McClelland is a current member of ACA's Council on Orthopedics and has been a member of ACA's Council on Roentgenology and its Council on Sports Injuries. He served as national chairman of ACA's Managed Care Committee from 1996 to 1999.

Dr. McClelland has also been extremely active with the Foundation for Chiropractic Education and Research (FCER) and currently serves as its vice president, as well as a member of its Research Committee, Board of Trustees and President's Council. In addition, he was FCER president from 1990 to 1996.

Dr. McClelland has been recognized for his service and significant contributions to the chiropractic profession. He is a two-time recipient of the VCA Chiropractor of the Year Award and has also received a Special Service Award and a Lifetime Achievement Award from the ACA. In 1983, he received ACA's first Delegate of the Year Award, and he has also received the Chairman's Award, the President's Award, a Meritorious Service Award and a Distinguished Service Award from the ACA. In 1985, he was awarded an honorary Fellow of the International College of Chiropractic.

Dr. McClelland, a Vietnam veteran and avid golfer, lives in Blacksburg, Virginia with his wife, Susan. He has two children. Fall Saturdays find Mac and Susan's home decked out in Virginia Tech maroon and orange.

Mr. Speaker, I am proud to have Dr. McClelland as a constituent and even prouder of his more than 30 years of service to patients throughout Virginia.

HONORING CONSTITUTION DAY

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to recognize the United States Constitution's 218th anniversary.

On September 17, 1787, 39 delegates from 12 states convened in Philadelphia to outline the powers of a new government—a government that for the first time in world history would exercise its authority from powers loaned to it by its citizens, not the other way around. It represented a sea change from centuries of belief that an individual's right to his property was somehow the state's to grant or to confiscate.

John Adams once said, "The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist." I believe that every American that swears to defend the Constitution is obliged to defend that sacred right. Unfortunately, there exists a depressing trend, highlighted by the Supreme Court's recent 5-4 decision in Kelo v. New London, where those who think "government knows best" gain and property rights yield.

With the death of the late Chief Justice William Rehnquist, America is once again presented with a test of her character. A new Chief Justice must be appointed. He or she will bear the responsibility for defending a document that has generally succeeded in securing individual liberty for 218 years. From what I have learned about Judge Roberts, I am optimistic that he will rise to the occasion. I can only hope that the Senate will too. The Constitution is far too valuable for politics.

IN SUPPORT OF POW/MIA RECOGNITION DAY

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, I rise in respect of National POW/MIA Recognition Day. The brave sacrifices made by our Nation's veterans have protected the liberty of millions of Americans, and have brought freedom to countless individuals throughout the world. Today is a day for our Nation to humbly thank and remember those who have given up their freedom to protect ours.

Hundreds of thousand of Americans have been interned at the hands of their captors; many of these men and women are alive in our country today, and more than 88,000 remain missing from World War II, the Korean War, the Cold War, Vietnam, the Persian Gulf, Somalia, Kosovo, Afghanistan and Iraq. Today, our Nation thanks these brave individuals who have protected our freedom while losing their own and we renew our commitment to the families of those who are still missing by promising to do everything possible to account for their loved ones.

On September 16, 2005, I ask our Nation to salute American POWs and those honorable men and women missing in action, and I urge my colleagues to fly the flag of the National League of POW/MIA Families, a black and white banner symbolizing America's missing.

CELEBRATING THE 60TH ANNIVERSARY OF SAN JOAQUIN MEMORIAL HIGH SCHOOL

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate San Joaquin Memorial High School on this ceremonious day in celebration of their 60th anniversary.

San Joaquin Memorial High School deserves congratulations for their dedication to providing their students with a superior education and making the tuition very affordable for many families in the Fresno area. With a 95% graduation rate, nearly all of their students plan to attend colleges or universities. Over the past 15 years San Joaquin Memorial High School graduates' average college enrollment is higher than 98 percent and many of their graduates advance to the top universities in the nation.

The School was founded in 1945 and was given the name “Memorial,” and school colors, “red, white, and blue,” to serve as a living reminder of the men and women from the San Joaquin Valley who gave their lives in the service of their country. San Joaquin Memorial High School has been an exceptional addition to our community and serves as a model High School for other schools in the area.

San Joaquin Memorial High School strives to offer an academically challenging curriculum designed to stimulate critical thinking, to develop individual capabilities, to seek the truth in information and to gain wisdom in knowledge. They also believe that they can help their students recognize the uniqueness of the self and offer an environment conducive to personal growth. The students at San Joaquin Memorial High School are empowered to become self-disciplined and with their discipline they donate much of their time to community service in an effort to better society for the public, their school and their church.

They have continued to develop and modernize their facilities from its three original classroom buildings in 1945. A part of their Mission Statement is to give "service to the poor." With their hard work and dedication to supplying the San Joaquin Valley with an enormous amount of consideration and compassion for others they will surely continue to thrive in the Valley for many years to come.

PETITION TO RELEASE ROMAN CATHOLIC FAITHFUL FROM CHINESE PRISONS

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. WOLF. Mr. Speaker, upon the 50th anniversary of the Communist government assault on the Roman Catholic Church in Shanghai, I wish to submit for the RECORD a letter
DEAR PRESIDENT HU:

September 8, 2005

I am writing to you personally because I wish to convey to you, the President of the People's Republic of China, in person, my deepest respect and gratitude for your historic visit to the United States and to Yale University. As a Catholic priest, I have long admired your dedication to the values of harmony and mutual respect. You have shown that it is possible to lead a nation with wisdom and compassion, even in the face of great challenges.

As President of the Catholic Church in the United States, I have the honor of representing millions of Catholics who look to you as a leader of the Chinese people. We are grateful for your commitment to the principles of human rights and religious freedom, and we share your concern for the well-being of all your citizens.

We know that your government has made significant progress in recent years in promoting human rights and religious freedom. We commend your government for its efforts to improve the living conditions of the Chinese people and to promote social stability.

However, we are concerned that some of the gains made in recent years are being reversed. We urge your government to continue its commitment to promoting human rights and religious freedom, and to ensure that all citizens are able to exercise their rights and freedoms without fear of persecution.

We urge your government to continue its dialogue with religious leaders and organizations, and to engage in constructive, respectful conversations that lead to greater understanding and cooperation.

We hope that your visit to the United States will be a time of new beginnings and renewed hope for the Chinese people. We are confident that your commitment to the principles of human rights and religious freedom will continue to inspire and guide your government in the years to come.

Sincerely,

[Signature]

Robert Schuller
Archbishop of the United States
IN REMEMBRANCE OF REPRESENTATIVE LLOYD MEEDS

HON. RICK LARSEN
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. LARSEN of Washington. Mr. Speaker, today we mourn. We also remember. We mourn the loss of a public servant who worked to make government the best it could be. We remember his accomplishments and celebrate his legacy.

And we take heart in the memories that we share of this great man.

Congressman Lloyd Meeds was not a distant politician. He was a friend and a neighbor whose public work was devoted to maintaining and improving our unique quality of life for generations to come. He was, in the words of his colleague Congressman Morris Udall, “a workhorse rather than a showhorse,” a “glutton for the tough, detailed work that so many of us shun.”

These words paint an accurate picture of a true public servant and statesman. And they set a standard of excellence for those of us now serving in Congress.

Congressman Meeds’s tough, detailed work played a major role in creating Head Start and the Youth Conservation Corps. He took a stand as one of the first to support Title IX, the law that bans gender discrimination in our schools.

He set an example for me personally with his work to preserve and protect land for future generations by brokering the North Cascades Act that created the North Cascades National Park and the Alpine Lakes Wilderness. He later worked for a resolution to ensure passage of the Alaska National Interest Lands Conservation Act, a vital piece of legislation that will protect some of the most pristine land in the United States for generations to come.

His accomplishments were many, and his commitment to the Pacific Northwest was unyielding. That commitment certainly did not end when he left Congress.

The State of Alaska declared February 28, 2005 “Lloyd Meeds Day” as a heartfelt thank-you for the Congressman’s lifetime of effort on behalf of the environment and Native Americans.

This is the legacy of Congressman Lloyd Meeds—a passionate and tireless advocate for the causes he embraced.

We mourn a loss today. Congressman Meeds will be missed. The foundation he laid, however, provides the basis for the diversity and strength we see in our communities today.

PERSONAL EXPLANATION

HON. ERNEST J. ISTOOK, JR.
OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ISTOOK. Mr. Speaker, my absence today from the House chamber is due to my traveling to New Orleans and Oklahoma City to assess the damage and relief efforts in the wake of Hurricane Katrina. My return to Washington, DC is not possible until after conclusion of today’s legislative business. As a member of the Committee on Appropriations and the vice chair of the Subcommittee on Homeland Security, I am involved in the direct funding of our government’s efforts in saving lives, stabilizing this devastated area, restoring order, mitigating still uncertain conditions, and beginning the rebuilding process that can assist in returning prosperity and making people whole. During my visit to New Orleans, I will witness firsthand the scope of the devastation, observe relief efforts, meet with some of the more than 2,100 members the Oklahoma Army National Guard serving in New Orleans. My trip concludes with my traveling to Oklahoma City to meet with hurricane evacuees and relief workers.

Since Hurricane Katrina made landfall on the Gulf Coast August 31, Oklahomans have been at the forefront of relief efforts. Since August 30, the Oklahoma National Guard has supplied four U860 Blackhawk helicopters, air-lifted tens of thousands of pounds of food and water to New Orleans and supplied much-needed security and rescue efforts in the midst of looting and flooding that followed the hurricane’s landfall. Oklahomans have also opened up their homes and businesses to help the relief effort, and have worked with the Red Cross in opening shelters for those evacuees throughout Oklahoma.

INTRODUCING LEGISLATION TO ESTABLISH A SPECIAL INSPECTORS GENERAL COUNCIL FOR HURRICANE KATRINA

HON. TODD RUSSELL PLATTS
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce legislation to establish a Special Inspectors General Council for Hurricane Katrina. As Members of Congress charged with overseeing the operation and accountability of the Federal government, we have a responsibility to ensure that all funds we authorize and appropriate are spent for their intended purposes. In the wake of the terrible devastation caused by Hurricane Katrina, we have already appropriated more than $60 billion for the immediate relief effort, and this amount is, no doubt, only the beginning. These funds must be spent in a way that ensures the people in the affected areas of Louisiana, Mississippi, and Alabama are able to recover.

Assuring accountability for relief and recovery projects is imperative. The public’s trust in their government has been shaken in the aftermath of this disaster. We must assure the American people that we are being appropriately prudent with their money. Any dollar lost to fraud or waste is a dollar that does not make it to someone who is in need. This funding is too important to be misspent, and that is precisely why I am introducing this legislation today.

As Chairman of the Subcommittee on Government Management, Finance, and Accountability, I have seen firsthand the good work of agency inspectors general. Their unique role allows them to oversee both the agencies they oversee and the Congress, to whom they report, provides an ideal check on the system. Inspectors general have long stood as a bulwark against fraud and mismanagement.

While some in the Congress have called for the appointment of one Special IG to oversee hurricane relief funding, this proposal raises concerns. The most troubling aspect of the legislation is a requirement that this Special IG be appointed by the Secretary of the Department of Homeland Security within three days. This is contrary to the Inspector General Act. The IG Act requires that an IG with this much authority—one who would potentially oversee the expenditures of up to $200 billion—be appointed by the President with the advise and consent of the Senate. Under the Special IG proposal, we would face the unworkable problem of having several IGs with Senate confirmation reporting to a political appointee who reports to one cabinet secretary.

The response to Hurricane Katrina will involve the full breadth of Federal resources. It will touch nearly every Federal agency. What we need is a coordinated response from the IGs now in place throughout government. We need IGs with institutional knowledge unique to their own agencies to work together under the leadership of the Department of Homeland Security. This Council will draw on the resources of over 5,000 auditors and investigators who are already in place today.

The hurricane relief money is being spent right now. It is important that this coordination begin as quickly as possible. We cannot take a chance on a single Special IG General who may not have the depth and breadth of knowledge to ensure full accountability at all the Federal agencies that will be part of this effort. We have no time for a learning curve, especially when we have the ability to leverage the considerable resources already available. A Special IG Council will enable this important work, which in many cases is already underway, to be completed in the most effective manner.

HONORING THE BEDFORD GAZETTE

HON. BILL SHUSTER
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor the Bedford Gazette, a daily newspaper serving Bedford County, Pennsylvania. On September 21, 2005, the Bedford Gazette will celebrate its 200th anniversary. A solid institution in Bedford, I grew up with the Gazette in our family’s home.
While there is no definitive list of the oldest newspapers in the United States that are still published under their original names, it is believed the Bedford Gazette is among the 30 oldest newspapers in the country. The motto of the paper: “Published continuously since 1805.”

One of America’s oldest newspapers stakes its historical claim. What began as a four-page weekly containing mainly political reports and stories has grown to publish daily since 1950.

As with so much of my district, Bedford, Pennsylvania has had a front seat to American history. The Bedford Gazette was there as eyewitness, recording the first steps of a new nation, and there are documented reports of Gazette editors as players in that history. One editor wrote of playing billiards with John Brown when he stayed in Bedford (under an assumed name) on his way to Harper’s Ferry, West Virginia, to carry out his infamous raid. Another Gazette editor announced to the country that Pennsylvania’s James Buchanan would not seek re-election to the U.S. Presidency. The proximity of the famous Bedford Springs Hotel allowed the Gazette access to many of America’s movers and shakers. Presidents James Polk, Zachary Taylor, William Henry Harrison, John Tyler, James Garfield, Dwight D. Eisenhower, and Ronald Reagan all spent time at the Hotel and the Gazette was there to record it.

The Frear family of Bedford has a long history with the Gazette. In 1935 Hugo Frear became editor of the paper, and when he volunteered for service in the U.S. Navy during World War II, his wife Virginia stepped in and ran the paper herself. His son Ned would become editor, serving for 30 years and eventually his grandson Chris would take the reins for another 10. All in all, three generations of the Frear family were owners, publishers, and editors for almost 60 years.

Mr. Speaker, I am proud to recognize the historical milestone of the Bedford Gazette, a newspaper found on all kitchen tables across the county, including my own. The Bedford Gazette is more than just a daily newspaper. It is an established tie connecting Bedford’s rich history and promising future.

NADER STATEMENT ON ROBERTS’ NOMINATION

HON. JOHN CONYERS, JR. OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CONYERS. Mr. Speaker, for decades Ralph Nader has forced Washington to confront crucial issues that otherwise might be swept under the rug. True to form, he now has called to our attention an important question regarding the candidacy of John Roberts to be Chief Justice of the United States. His statement to the Senate Judiciary Committee on that nomination raises issues in many areas important for all of us in Congress. Important areas of focus include:

Mr. Nader’s statement follows:

WASHINGTON, DC, September 12, 2005.

Mr. Chairman and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony on the nomination of Judge John G. Roberts Jr. for the position of Chief Justice of the Supreme Court of the United States. I ask that this statement be made part of the printed record.

In 1996 I testified before the Senate Judiciary Committee on the nomination of Steven G. Breyer by President Clinton to be an Associate Justice of the Court of the United States. In that testimony I called attention to the importance of balance in the way our laws handle the challenges of corporate excesses. I said: "For our political economy, no issue is more consequential than the distribution and impact of corporate power. Historically, our courts and our legal system have redressed the imbalance between organized economic power and people’s rights and remedies. From the agrarian populist revolt by the farmers in the late 19th century to the rise of the federal and state regulatory agencies, to the surging trade unionism, to the opening of the courts for broader non-property values to have their day, to the strengthening of civil rights and civil liberties, consumer’s, women’s and environmental laws and institutions, corporate power and its dealings was primarily disciplined by the rule of law."

"Today it is more important than ever for all Americans to ask themselves: In particular, the Chief Justice of the Supreme Court to have the inclination and wisdom to realize that our democracy is being eroded by many interlocking systemic corporate excesses. Giant multinational corporations have no allegiance to any country or community, and the devastation and other injustices they visit upon communities throughout the United States and around the globe have outpaced the countervailing restraints that should be the hallmark of gov- ernment. In my view, unfortunately, the structure and scope of these hearings are not likely to devote a sufficient priority to the corporate issues of our times. In 1815 Thomas Jefferson wrote: ‘I hope we shall . . . crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country.’ Imagine his reaction to the corporate abuses of Enron Corp., HealthSouth Corp., Tyco, WorldCom or the Delfino Group, whose name can only be a few, along with the drug, tobacco, banking, insurance, chemical and other toxic industries. The corporate crime and greed of today threatens our democracy. In its day, the economic power of giant corporations is augmented by a flood of Political Action Committees (PAC) money and other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increas- ingly more corporate. You will hear about Judge Roberts from several perspectives, but it is safe to assume that what questions Judge Roberts’ views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corpora- tions have on our democracy. An important procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving individuals the ability to hold ‘wrongdoers’ accountable in a court of law. ‘If we are to keep our democracy, there must be one commandment: Thou shalt not commit civil.”

Unfortunately, powerholders, corporations and other institutions which are supposed to serve the public good, to say nothing of our legal system, are striving to weaken, limit and over- ride the province of juries and judges. Some
such abstract questions. They face a par-
ticular statute, challenged by a particular party
directly affected in a particular way,
and the resolution of that dispute will turn on
all those particulars. This second response has a
degree of merit—and undercuts the first reason for re-
fusing to answer most questions. Precisely because
the questions do not arise nor the context
know in what context issues will reach the Court (if at all), it is not problematic for
nominees to discuss their views. They should
do so how they would decide an actual pending
case, but, short of that, it is fine for
them to discuss issues because that in no
way commits them to taking sides in any ac-
tual legal disputes are argued in
context-specific. For example, a nominee
may be asked about the doctrine that treats
a corporation as a “person” entitled to var-
ious constitutional rights. His or her
thoughts on this issue will not tell us what
he or she will do if such an issue is raised in
a case before the Court. The latter may de-
pend on the nature of the corporation (non-
profit? media? multi-national?), the nature
of the claimed right, and much more.
Moreover, no nominee testifies that he or she disapproves the doctrine, as a
Justice the nominee may hold that the
issue is settled. Or if a nominee says that he or she does not agree, the
nominee’s self-serving refusal to answer ques-
tions—may lead the nominee to hold other-
wise. Nothing a nominee says guarantees that he or she would answer in any case a par-
ticular way. Nothing that is said has to be
fixed in stone. Judges do give opportunistic
public speeches, do they not?
It may be wondered whether, in light of the
above, any purpose is served by asking the
nominee his views. The answer is yes. It’s no secret that nothing a nominee says
binds him or her, or that he or she might be
office with life tenure. Nominees can’t and
shouldn’t be bound. But especially with a
nominee who has a limited public record, the
hearings provide some basis for gauging
the nature and quality of his ideas, about his
philosophy of due process for example. At
any rate they have that potential—If Sen-
ators do their job and do not accept a nomi-
nee’s self-serving refusal to answer ques-
tions.

As the outset, it would behoove the Com-
mittee to establish the parameters the nomi-
nee will use in fashioning responses to your
questions by asking:
What criteria are you using to determine if
you will directly answer or not answer ques-
tions posed to you by members of the Senate Judiciary
Committee?
If the Court has recently ruled on a mat-
er, will you provide the Committee with your
views on the Court’s ruling?
If a matter is long settled, will you provide the
distance letter on your views on the
Court’s ruling?
Once this baseline has been established,
the following questions should shed light on
nominee’s approach to some major issues of
our day.

1. Lloyd Cutler, speaking as a prominent corporate
attorney, once said: “There is one point
I want to make clear: we believe in the
arguments that we make.” Do you believe
the arguments you have made on behalf of
your corporate clients are genuine?
2. Do you believe limits on television sta-
tion ownership abridge the free speech rights of
corporate broadcasters?
3. What role, if any, of the First Amend-
ment rights of the listeners being paramount
to those of the broadcasters as articulated by the
Court in Red Lion Broadcasting Co. v. FCC.

4. Do you see a problem when corporations are
treated as equal participants, with every
right to use their First Amendment rights
to dominate public policy debates such as those
that occur in state and local referenda?
5. Do you believe the Court should uphold
state regulations that decide an
political expression in order to equalize con-
tributions to public debates?
6. Do you believe that a strict reading of the
or liberal interpretation of the Fifth Amend-
ment right to remain silent and the con-
stitutional right of privacy—have been de-
ied to corporations based on their corporate
status? If so, what are the criteria that
determine when a corporate
right to a commercial
corporation?
9. Would any trade agreement, such as
GATT, NAFTA, or CAFTA ever require Sena-
te ratification as a treaty?
10. Does the President have complete dis-
ccretion to determine whether an inter-
national agreement need be submitted to the Senate for two-thirds trea-
y approval? If not, what are the cr
that determine when an international agree-
ment must be submitted to the Senate for two-
thirds treaty approval?
11. Are there limits on Congress’ power to
strip federal courts of jurisdiction over a
particular issue? If so, what are such limits?
12. Do you believe victims of defective
products that meet federal standards should
be barred from suits against the
manufacturers of the defective products?
13. Do you believe Congress should fed-eralize and pre-empt state products liability
common law?
14. Plaintiff’s trial lawyers have been
blamed by their corporate critics for all
sorts of problems with the economy and
legal profession. Do you believe that those
representing injured persons in product li-
ability and medical malpractice cases are
harming America?
15. So-called crime reform is aimed at re-
straining the amount of non-economic dam-
ages, such as pain and suffering, a party can
receive. Are you concerned that this inter-
ference with justice is constitutional and the
judges to find facts and mete out appropriate
justice?
16. Do you believe the use of the govern-
ment contractor defense should be limited in
nonmilitary procurement? If so, how?
17. Some people say the Ninth Amendment
can play no substantive role in protecting
rights, that it’s merely a statement of prin-
ciple or reminder of limited government.
Do you agree?
18. A number of legal scholars argue that
the 11th Amendment has been interpreted by
the Court to shield states from liability for
wrongdoing in a way that blatantly con-
travene the letter of the Amendment. Are you familiar with that
scholarship and do you find it persuasive?
19. In what circumstances, if any, is it ap-
propriate for a contractual arbitration clause to
contract away substantive contract
law, tort, or statutory rights? For instance,
can an arbitration agreement pre-
empt the Constitution’s 14th Amendment of
a worker’s Title VII rights and at the
same time limit the worker’s compensatory
damages to $230,000? Can that same clause
bind an attorney to pay an attorney-
fee’s fees? Can that clause require that the
parties to arbitration bear their own
attorney’s fees?
20. Describe the presumption against pre-
emption of state law. Does it apply in some
or all instances where federal law is said to
preempt state law?
21. Is the presumption against preemption
of state law (by federal law) similar to the
plain statement rule that demands that
Congress speak with unmistakable clarity if it
wishes to override the states’ sovereign im-
munity? If the presumption against preemp-
tion is different from the plain statement
rule, explain how it is different?
22. How is the presumption against pre-
emption applied in cases where federal regu-
lation (regulating, for instance, drugs,
boats, pesticides, motor vehicles, and the
like) is said to preempt state tort law that
provides monetary remedies to compensate for injuries caused by a product that the fed-
eral government regulates?
23. Do you believe Congress should pre-
empt the state-law based medical mal-
practice system?
24. What are your views on the “American rule” as opposed to the English rule under
which the losing party in litigation gen-
erally pays the winner’s costs, including
attorney’s fees?
25. What has been your reaction or views on
Congressional funding laws for federally
funded legal services programs over the last
two decades? Should government be respon-
sible for funding representation for poor peo-
ple in civil litigation or is it a private
function?
26. Some scholars and judges believe that
“Originalism” is the only principled method
of constitutional interpretation. Do you agree?
27. Do you believe that a declaration of war
by Congress is Constitutionally required for
the United States to engage in war?
28. Does a Congressional funding for
the war-making discretion to the President in
the form of a war resolution meet the test of
Article One, Section Eight of the Con-
stitution?
29. What level of equal protection scrutiny
was applied in Bush v. Gore, 531 U.S. 98
(2000)?
30. What is the precedential effect of Bush v.
Gore? In other words, what kinds of equal
protection claims does Bush v. Gore control
or apply to? After Bush v. Gore, may a polit-
ical entity (city, county, state) holding an
election use more than one type of voting
methodology (paper ballots, standard ma-
nuscript, punch cards, etc.) knowing that the
error rates (whether through undercounts or
otherwise) are different from one method-
ology to another?
31. Is there a need to amend our open gov-
ernment laws to make the President subject
to them in whole or in part? Would such
amendments be constitutional?
32. Do you believe that the statements before
the Supreme Court should be televised in
the way C-SPAN televises Congressional delib-
ration?
33. In your view, is the Freedom of Infor-
mation Act functioning properly at this
time? If not, what are the major problems
facilitating access to the Act?
34. In Buckhannon Board & Care Home,
Inc. v. West Virginia Dept. of Health and
Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Is this the demise of the catalyst theory of fee recovery in the Supreme Court's Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what resources of fee-shifting statutes is likely to apply and to what kinds is its application more doubtful?

36. Brian Wolfram, Director of the Public Citizen Litigation Group notes, "The Bush administration says that Buckhannon applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued that Buckhannon to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's Buckhannon decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's Buckhannon case? Do you believe the Bush Justice Department is applying the Buckhannon decision correctly?

37. From both a legal (constititutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

38. Should federal judges attend seminars which are funded by private corporations (or by funds that are funded by such corporations) that have matters of interest to the corporations before the courts?

39. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

40. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

41. How many hours or what percent of their "free time" do you think partners in major firms should devote to pro bono work each year?

42. How many hours on average did you bill per year as a partner and at what rates?

43. What was the nature of your pro bono work, and how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 Georgetown Journal of Legal Ethics titled "Guidelines for Ethical Billing of Corporate Clients: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the clients of such practices? I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

RECOGNIZING DR. ROBERT W. DARTER OF SAINT HELENA, CALIFORNIA

HON. MIKE THOMPSON OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Robert Darter of Saint Helena, California for his 40 years of public service on the Saint Helena Library Board of Trustees, making him one of the longest serving members.

A native of Northern California, Dr. Darter earned his Bachelors of Science in Public Health from the University of California at Berkeley. He received both his M.S. in Microbiology and his M.D. from Northwestern University in Chicago. Dr. Darter has become a household name in Saint Helena. A beloved and highly revered doctor throughout the community, Dr. Darter has helped care for and protects the health of his fellow Napa Valley citizens for nearly half a century.

Despite the uncompromising and exhausting demands of his profession, Dr. Darter has continued to devote his life to the betterment of our community. He has worked with numerous organizations including the Boy Scouts of America and Kiwanis Club of Saint Helena.

For the past 40 years Dr. Darter has played an integral role on the Saint Helena Public Library's Board of Trustees, the past 29 of which he has served as Chairman. With his leadership, dedication and forward thinking personality the Saint Helena Public Library has made considerable advances, including two building expansions, the first in 1979 and the second in 1999. He is currently working to designate neighboring land for future expansion campaigns, which will enable our library to continue enriching our community with the best possible resources.

I'm sure Dr. Darter's wife, Jan, and their five children Robert, Michael, James, John and Kimberly are all extremely proud of him.

Mr. Speaker, it is appropriate that we thank Dr. Robert Darter for his years of hard work and dedication to my hometown, Saint Helena. On behalf of my fellow colleagues I wish to extend my sincerest gratitude to Dr. Darter for all that he has done and continues to do for our community. Thank you, Dr. Darter.

HISPANIC HERITAGE MONTH

HON. CHRIS VAN HOLLEN OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise in honor of Hispanic Heritage Month and pay tribute to the extraordinary contributions that Hispanics make to America year-round. This month-long celebration begins on September 15, the anniversary of independence of 5 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. This anniversary commemorates the day these countries declared their independence from colonial rule, and continues to represent unity for all Latinos in the U.S. and in Latin America.

Throughout the month we celebrate the Hispanic community and pause to reflect on Hispanic values—faith, family, and patriotism. The Hispanic dream—the hope of a better future—is the American dream. There are more than 41 million Hispanic-Americans, and their hard work, deep faith and closely-knit families have made America a better and stronger country.

In celebration, we must advance initiatives that support empowerment and opportunity for all.

During this month, I am pleased to recognize the efforts of groups in Maryland's Eighth Congressional District that work to enrich the lives of Hispanic-Americans. An example of one such group is CASA de Maryland. The Ford Foundation and the National Council of La Raza, NCLR named CASA de Maryland "Affiliate of the Year" in recognition of its hard work and dedication to providing services that improve the lives of Latinos and others in Montgomery and Prince George's Counties.

As we honor the achievements of Hispanics, we know that celebrating the Hispanic community for one month a year is not enough. All Latinos deserve a real opportunity to achieve the American dream, whether they have been here for generations or have just arrived on our shores.

IN HONOR OF THE 3RD ANNUAL HISPANIC HERITAGE DINNER AND DANCE

HON. BRIAN HIGGINS OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, on Saturday night, September 17, 2005, the 3rd Annual Hispanic Heritage Dinner and Dance will take place. I would like to congratulate the three organizations that worked hard to put this dinner together: Hispanics United of Buffalo, the Hispanic Women's League, and the Latino Business Owners Association (LBOA).

Hispanics United of Buffalo has worked hard in this community, providing assistance, while instilling pride, promoting rights, and allowing people to have a chance at a better life, by offering services unheard of being offered in the Hispanic community. Such services advocated by the agency include access to proper nutrition, adequate housing, affordable health care, meaningful employment, and equal educational opportunities. Since its inception, HUB has aided the Hispanic community by being a first step into a better, more prosperous community, not just for Hispanics nor simply for the West Side but for everyone in this city and for that I commend them.

The Hispanic Women's League, was formed in 1979 by a group of women to respond to issues affecting Hispanic women in Western New York. The primary commitment of the league has been to maintain a scholarship fund established to grant financial support to Hispanic/Latina women pursuing higher education. If it were not for the efforts of this organization, the next generation of leadership for the community would not be secure, by providing a chance at higher education to youth.
in the Hispanic community; The Hispanic Women's League has ensured the future of the Hispanic community is a bright one and for that I would like to commend you.

The Latino Business Owners Association (LBOA) has become a sound and strong organization that serves existing and startup businesses in our community. It is the anchor of support in the business community with Leadership and Guidance. Aiding entrepreneurship in the Hispanic community, the LBOA is on the forefront of economical prosperity, providing credibility and an overall positive future for the community it has vowed to aid, and for this I commend you.

These three organizations play vital roles in the destiny of this community, and I know that their tireless efforts will continue to have a positive impact and play a major role in this city for years to come.

RECOGNIZING HISPANIC HERITAGE MONTH

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the celebration of Hispanic Heritage Month and to recognize the importance of democracy in the Americas.

Hispanic Heritage Month runs from September 15th to October 15th each year and is an occasion for all Americans to recognize the invaluable achievements and contributions that Hispanic Americans have made to our nation. The first day of Hispanic Heritage Month also marks the anniversary of independence for six Latin American countries—Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Hispanic Americans are members of a rapidly expanding and increasingly influential community in this nation, and they have played a vital role in shaping our nation’s culture. They have contributed to every aspect of enhancing our society including serving as leaders in business, government, law, science and the arts. Additionally, they have sacrificed in the defense of this nation’s freedom by serving in every major American conflict. Currently more than 10 percent of our active duty force is of Latino descent.

During this month’s celebration, it is important to take time to recognize the value of the role Hispanics have taken in the democratic process both here in the United States and abroad. Hispanics in this country have taken an active role in democracy by increasing voter participation and striving to be model citizens, truly meriting recognition. Hispanic Americans’ dedication to democracy is an extension of their strong commitment to community, hard work, and family unity.

Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing and celebrating National Hispanic Heritage Month.

STATEMENT ON HOW TO END THE WAR IN IRAQ
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I prepared the following statement during a hearing organized by Rep. LYNN WOOLSEY on how to end the war in Iraq:

Good morning. Thank you, Chairwoman WOOLSEY for your leadership in holding this important hearing. 1,896 of our brave young men and women have died in Iraq. By some counts, up to 100,000 innocent Iraqis have perished in a war that was based on false premises. It was wrong to go in from the start and it is wrong to stay, and it is counter-productive to U.S., Iraqi and regional interests, as Iraq heads closer to an all-out civil war.

The U.S. presence in Iraq is fueling the insurgency, and has turned Iraq into a training ground for Islamic terrorists. The insurgency is growing stronger by the day and attack tactics are becoming more advanced. Iraqi rebels have refined their bomb-making skills. According to a CIA assessment from this past June, the Iraq war was likely to produce a dangerous legacy by dispersing to other countries Iraqi and foreign combatants more adept and better organized that they were before the conflict.

It is not only our soldiers who are falling victim to this insurgency. Just yesterday it was reported that almost 150 Iraqis died and 500 were wounded in coordinated attacks of at least a dozen suicide bombings in Baghdad. 114 of those people were Shiite day laborers in Baghdad, lured into a minibus by a suicide bomber with the promise of work. This was the second deadliest suicide bombing since the war began. Al-Zarqawi’s Sunni militant group, Al Qaeda in Mesopotamia, claimed responsibility in statements released over the Internet that was said to be from Al-Zarqawi declared a “full-scale war on Shites around Iraq, without mercy.”

One year ago today, it was reported that a National Intelligence Estimate produced for President Bush in the summer of 2004 on the political, economic and security situation in Iraq determined that at best, stability in Iraq would be tenuous, and at worst, there were trends lines that pointed to a civil war.

Now today, as fears of civil war in Iraq are becoming realized, it is clear that the worst scenario predicted is coming true. The U.S. presence in Iraq in only making the conflict worse, as it is strengthening tensions between the Sunni militants and the Shiite majority, and serving to strengthen the insurgency.

The Iraqi constitution and the run-up to the October 15 referendum on the constitution has succeeded in Iraq. A member of the Assembly, Abdul-Rahman al-Neeimi, told the paper that American forces “have used all possible means in order to provoke sectarian strife in Iraq, but have failed thanks to God.” He concluded by saying, “We tell the occupation forces: Hands off the Iraqi people and let us heal our wounds by our own means.”

It is time for this Congress to put aside the partisan differences that have occurred over the war and to come together in a plan where we can unify to take steps to withdraw our troops from Iraq and to take steps to heal the breach that the war has created between American and the world community.

IN LASTING MEMORY OF RAY BRAXTON MARTIN
HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to commemorate the life and legacy of Ray Braxton Martin. Ray died on August 21, 2005 in Pine Bluff, Arkansas. Born on November 23, 1919 in the town of Rison, Arkansas, Ray graduated as co-valedictorian with his twin brother, Roy, from Rison High School in 1937. Ray and his brother dedicated 31 years to Martin Brothers Gas Company. Ray is perhaps best remembered for his service to the Election Commission for nearly 35 years. It was imperative to Ray that local elections were carried out with the utmost integrity and honesty. Ray’s impressive list of community activities include the Superintendent of Rison Baptist Church Sunday School where he was also a deacon, a 32nd degree Mason, past President of Arkansas Butane Association, and past Chairman of the Board of Trustees for Henderson State University. As you
TRIBUTE TO JESS F. GRANONE

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. CRAKER. Mr. Speaker, I would like to take this opportunity to recognize Thomas M. Devanney for his many years of outstanding service to our military and our Nation.

Mr. Devanney is currently the Acting Program Director for the Ground-Based Midcourse Defense Joint Program Office. In this capacity, he is responsible for the Ground-Based Midcourse Defense element of the Ballistic Missile Defense System.

Including his service in the GMD Joint Program office, Mr. Devanney has over thirty years of military and civilian missile system acquisition experience. Through his many years of service, Mr. Devanney has served in a variety of roles including the Chief of Missiles and Air Defense Systems in the Pentagon, Deputy PEO for Army Tactical Missiles and the Project Manager for the TOW Heavy AntiTank Weapon Systems. He also served two overseas tours with the HAWK Air Defense System, and tours in Germany, Korea, and Vietnam.

Upon retiring from the Army, Mr. Devanney entered the private sector with Alliant Techsystems, Inc. He held several key positions, including Director of the Warheads and Munitions Business Segment.

For his many accomplishments, Mr. Devanney has received numerous prestigious awards. Most notably, he has received the Presidential Rank Award for Meritorious Executives, the Exceptional Civilian Service Award, the Distinguished Service Medal, the Legion of Merit Award, and the Bronze Star Medal.

Mr. Speaker, on behalf of the people of Alabama’s 5th Congressional District, I rise today to express my gratitude to Thomas Devanney for his extraordinary service to our military and our Nation.

IN HONOR OF JOYCE L. FIGGS, PRESIDENT OF THE LADIES AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN’S ASSOCIATION

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Joyce Figgs, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen’s Association (LADVFA). In addition to logging more than 46 years of service to the Delmar Ladies Auxiliary, Joyce has also served several terms as President of the Delmar chapter.

From 1991–1993, Joyce served as the Ladies Auxiliary President in Wicomico County, Maryland. After a successful term in the Free State, thankfully, Joyce shifted her talents to Delaware and in 1993, was elected President of the Sussex County Ladies Auxiliary.

In 1994, Joyce was inducted into the Del-Mar-Va Hall of Honor, an illustrious and fitting tribute. However, her service would not stop with this induction. Joyce would serve additional terms as President of the Del-Mar-Va Firemen’s Association Ladies Auxiliary from 1996 to 1997 and President in Wicomico County until 2003.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. During her tenure, Joyce has led the Auxiliary in these areas admirably.

In closing Mr. Speaker, I would like to recognize Joyce Figgs for her exceptional career of service and dedication. LADVFA 1st Vice-President Barbara Rossiter and 2nd Vice-President Florence Legates join me in congratulating Joyce on her service as President of the LADVFA.
Mr. TOWNS. Mr. Speaker, recently the Prime Minister of India, Manmohan Singh, apologized to the Sikhs for the massacres of Sikhs that took place in November 1984. Over 20,000 Sikhs died in that massacre just in Delhi. Meanwhile, Sikh police officers were locked in their barracks and the state television and radio were encouraging more Sikh bloodshed.

This is a sad chapter in the history of India and it is appropriate that the Government has finally admitted its own culpability and apologized for this atrocity. These kinds of admissions are always welcome. But Prime Minister Singh's apology is 21 years too late and it is only a baby step in the direction of justice. And an apology for the military attack on the Golden Temple in June of that year is still not forthcoming.

Mr. Speaker, there are families of those who died in this massacre who have still never been compensated in any way. We know that no compensation can bring back their loved ones, but at least it can help make their lives better. India must compensate the victims' families as if this apology is serious. It will also bring to justice those responsible for the massacre. These are necessary steps for the apology to be taken as anything more than mere empty words.

But there is something else that India must do as well. It must make proper restitution to the whole Sikh Nation for this massacre and its many other atrocities against the Sikhs.

How do you pay such a huge debt, Mr. Speaker? How do you pay back an entire nation for atrocities against it? On October 7, 1987, the Sikh Nation declared its independence, declaring the new country of Khalistan. Since then, India has continued to occupy Khalistan. Over half a million Indian troops still carry out this brutal occupation to this day. These troops must be withdrawn and India must recognize the sovereignty of a free and independent Khalistan. That is how it can compensate the Sikh Nation.

Now, Mr. Speaker, the Indian Government maintains that there is no support for Khalistan among the Sikhs in Punjab, despite large marches that have occurred as recently as June of this year. In June, 35 Sikhs were charged with a crime. Their offense? They made some speeches and raised the Khalistani flag. To quote my friend Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, "It is more than a moral obligation to withdraw, but it is too little, too late—21 years too late, in fact." The Council of Khalistan leads the struggle to liberate the Sikh homeland, Khalistan, which was independent from India on October 7, 1987. "We need to see if this apology is sincere or just another propaganda campaign," he noted. However, he noted that the Indian government's military attack on the Golden Temple, the center and seat of Sikhism, in June 1984 was more important to the Sikh Nation. "Where is the apology for that?" he asked.

"India must pay full and appropriate restitution to the families and bring the officials responsible to justice," Dr. Aulakh said. "But the most appropriate and important restitution that can be made to the Sikh Nation is to withdraw all Indian forces from Khalistan and allow it to enjoy its independence," he said. "Only then can the Sikh Nation live in peace, dignity, and freedom, secure in the knowledge that these kinds of incidents will not happen again." he said. "If India and Prime Minister Singh truly believe in freedom and democracy, they have an obligation to withdraw from Khalistan and all the nations they occupy, such as Kashmir, Nagaland, and others," he said.

Professor Darshan Singh, a former Jathedar of the Akal Takht, has said, "If a Sikh is not a Khalistani, he is not a Sikh." The Indian government has murdered over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Bodo, Manipuri, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According the Movement Against State Repression (MASH), 52,268 Sikhs are being held as political prisoners in India without charge or trial.

"The flame of Sikhism still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," Dr. Aulakh said. Last year, Punjab Chief Minister Amarinder Singh signed a bill cancelling the agreements that allowed the diversion of Punjab water to non-rural states. The bill overturns the sovereignty of Punjab. Sardar Attinder Pal Singh, another former Member of Parliament, held a seminar in Khalistan in Punjab. It was well attended and including presentations, including one by Professor Gurjeet Singh, IAS, Professor of Sikhism," he said. "There have been several marches through Punjab demanding the establishment of an independent Khalistan. India is on the verge of disintegration," he said.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Dr. Aulakh said that India release all the people arrested for hoisting the flag and drop all charges against all these individuals, "Is it a crime to demand freedom in a democracy?" he asked.

"Is this the freedom of speech that is guaranteed under India's constitution?" History shows that multinational states such as India are doomed to disintegrate. The collapse of countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It has never been a single nation. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multilingual, multiethnic, multireligious, multicultural, multilingual state that is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," Forbes wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splitting into a number of countries, and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did. "We must continue to work for our God-given birthright of freedom," Dr. Aulakh said. "While this apology is a small first step, only a free Khalistan will satisfy the Sikh Nation; hence, we must continue to work until this goal is achieved."

IN MEMORY OF RYAN BRANDT YOUNG

HON. MICHAEL C. BURGESS
OF TEXAS

Mr. BURGESS. Mr. Speaker, I rise today to remember former Navy SEAL Ryan Brandt Young, a 32-year-old native of Halfway, MD, for serving our country in Iraq.

Young was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7, when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Young was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was a thoughtful and thoughtful American. Today, I would like to recognize and celebrate his life. He made up his mind when he was only 14 that he would someday be a Navy SEAL, and he certainly achieved that goal. Eight of Young's 13 years in the Navy were spent as a SEAL.

His mother talked to him just 10 days before the bombing, and she described him as very happy, very up, and I think we could learn a great deal from him. It was my honor to have
Good morning. Thank you, Chairman Davis, for agreeing last week to hold hearings in this Committee on what went wrong with the government response to Hurricane Katrina. This Committee is the most important venue within the House of Representatives for federal government oversight and I am grateful for your leadership. Interestingly, this first hearing will not focus on Hurricane Katrina and the disaster in New Orleans and the surrounding area, but will focus on 3 other cities that are vulnerable to a natural disaster or terrorist attack: Los Angeles, Miami and Washington, D.C. Further, the hearing is intended to examine the local response to crisis, rather than the federal response, to determine how prepared we are to handle another disaster.

Local, state and federal government all play key roles in handling a disaster and disaster relief, but let's face it: the federal government has the largest resources and should have the greatest ability to deal with a serious disaster in our nation. The first lesson we have learned from Katrina is that this proved not to be the case. The federal government was slow to act and the disaster was far too great for city and state government to handle alone.

The second lesson we have learned from Katrina is that we have not learned the lesson from the Iraq war regarding Halliburton. Halliburton overcharged the government at the taxpayer’s expense during the Iraq war. Days after Katrina struck, Halliburton was one of the earliest companies awarded no-bid contracts, to repair 3 different Navy facilities in Mississippi. The flawed contracting processes of the Iraq war are rearing their ugly head in the recovery of Hurricane Katrina. Congress has already appropriated $62 billion so far and more is surely to come. Yet the contracts awarded have been cost-plus and no bid contracts, lacking oversight and transparency.

There is an infinite number of issues on the federal agenda that need to be explored. Why aren’t more steps being taken to hire local displaced workers to rebuild their towns and cities? How has the merger of FEMA into the Department of Homeland Security played a role in FEMA’s ability as an agency? Why didn’t FEMA’s Hurricane Pam study—contracted out to IRA to investigate what caused a hurricane hit the gulf coast—better prepare the federal response to the Katrina disaster?

As Chairman Davis indicated, however, we’ll delve into more of these federal issues at future hearings.

A very important local issue that should be considered today is the morality of establishing a mandatory evacuation when there are people who lack the ability to evacuate. We saw this in New Orleans with Hurricane Katrina. Everyone was forced to evacuate, but not everyone could. There were people in hospitals and nursing homes and people too poor and without cars that were simply left behind. How is it supposed to leave? How might there have been better emergency plans in place to facilitate the evacuation of these citizens? In one reported story, a dead body was left to decay for over 2 weeks in the Algiers neighborhood of New Orleans, despite swarms of local police, Louisiana state troopers and the Army. Residents believed that law enforcement officials left the body there purposely to encourage the residents to evacuate. If their belief is true, such a practice is truly shameful and must be addressed.

Another issue related to local government observed in New Orleans with the enforced racism that occurred through the application of two standards of justice by law enforcement officials. Local law enforcement reportedly allowed white armed vigilantes to ride throughout the city but would not allow the same for black residents. According to Malik Rahim, a community organizer who recently ran for city council in New Orleans. “If a white person was taking something, he was taking it for his family. But if a black person was taking something, he was looting.” Rahim further described how the white vigilantes were shooting blacks in his neighborhood and were even bragging about it. He said he never before seen New Orleans come so close to breaking into a race riot.

If a race riot had broken out in New Orleans the crisis situation there would have become far more disastrous. How can local governments ensure that one standard of justice is applied equally in times of disaster?

I hope this hearing will address the many concerns raised and what changes are necessary for local planning for disasters in other large cities. Moreover, I look forward to the series of hearings that this Committee intends to hold that will specifically look at the federal response to Hurricane Katrina.

IN LASTING MEMORY OF MAYOR PAUL B. CHOATE

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor of the life and legacy of Mayor Paul B. Choate, who passed away at the age of 71 on August 5, 2005. Mayor Choate was born on May 28, 1934 in Lonoke, Arkansas. Mayor Choate graduated in 1957 from the State Teacher’s College and taught school in Paris, Arkansas. He was also a fire fighter and served as a Hempstead County Memorial Hospital Board member.

Mayor Choate was an economic ambassador for the small town of Blevins. As Mayor, he updated the city’s sewer system, helped to bring industry to the city, and acquired one of only four generators obtained from the state for Blevins during the horrific ice storm of 2000 that paralyzed much of Arkansas.

Perhaps what drove Mayor Choate the most was preaching the gospel of Jesus Christ. In Blevins, he was a founding minister of the World of Faith Church and a pastor at the Marbrook Baptist Church for 7 years. Mayor Choate truly led an exemplary life and will forever be remembered for his dedication to his family, his community, and the church. My deepest sympathies go out to his wife Pamela D. Young Choate, their four sons, David, Roy, Timothy, and Andrew, his brothers, William King and Lee King, his sister, Julia, his eight grandchildren and ten great grandchildren.

TRIBUTE TO MAJOR GENERAL JOHN W. HOLLY

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding career and contributions of Major General John W. Holly. General Holly is retiring from his position as Deputy Director of the Missile Defense Agency, the Program Executive Officer for Ballistic Missile Defense System, and the Director of the Joint National Integration Center.

Prior to assuming his current position, General Holly was the Program Director of the Missile Defense Agency’s Ground-based Midcourse Defense (GMD) Joint Program Office. General Holly was an integral part in the development, construction, initial testing, and deployment of the nation’s GMD system, which gives our nation new and advanced capabilities to defend itself against long-range ballistic missile attacks.

Mr. Speaker, I would like to thank General Holly for his work developing our nation’s defense capabilities against incoming missile threats. I strongly believe that his efforts have significantly contributed to the defense of our nation.

During General Holly’s time in Huntsville, I enjoyed working with him as he led the development of the Ground-Based Missile Defense system. I know his leadership and dedication will be sorely missed.

Mr. Speaker, on behalf of everyone in North Alabama, I rise to express my gratitude to Major General John W. Holly for his many years of service in our nation’s military.
2nd Assistant Chief of the Selbyville Delaware Volunteer Fire Company. In 1972, he served as the Chief of the Selbyville Fire Company, a post he would hold again from 1996–1997.

In his 38 years, Ray has served the Selbyville Fire Company in a variety of other positions, including work as Assistant Treasurer, a 32-year stint as an Engineer, and his current work as both a human resources officer and a safety officer. After serving as President of the Selbyville Fire Company, Ray moved to the Sussex County Volunteer Firemen’s Association, where he would serve as President from 1999–2000.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. Over the past year, Ray has exemplified these qualities and effectively led the DVFA. For his hard work, both the State of Delaware and the United States of America are indebted to him.

Mr. Speaker, in closing, I would like to congratulate Mr. Stevens on his exceptional career of service and dedication. DVFA 1st Vice-President and incoming President Ken Pyle and 2nd Vice-President Alan Robinson join me in congratulating Ray on his service as President of the DVFA.

IN HONOR AND REMEMBRANCE OF FATHER JOHN C. DALTON

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Church of Cleveland, Ohio. For his love, kindness and faithful service to the people of Cleveland, he will be remembered always.

Father Dalton entered St. Mary’s Seminary in 1943 and was ordained into the priesthood in 1948. For sixty-five years, Pastor Dalton served the people of our community, young and old, and baptized more than 2,000 parishioners and united 545 couples in marriage. At Holy Name parish, Pastor Dalton tended to the spiritual and humanitarian needs of the parishioners, and extended his assistance out into the community.

Pastor Dalton’s vision and focus on uplifting his community manifested itself along Broadway Avenue and beyond, where he led efforts to improve Holy Name church and school, and even helped out in the construction of new ball fields. His compassion, patience and love for others reflected throughout his life of service, from tenure as teacher, to his position as Associate Director of Services for the Deaf; to his neighborhood activism and work as a counselor within self-help groups. Even following his retirement, Pastor Dalton continued his life-long mission of regular visits to hospitals and the homebound, offering comfort and support to our most vulnerable citizens.

Mr. Speaker and Colleagues, please join us in tribute and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Parish of Cleveland. Pastor Dalton’s steadfast service to others, framed by compassion, understanding and a warm smile, offered healing, hope and faith to all of us. I extend my deepest condolences to the family of Pastor Dalton, to the parishioners of Holy Name Church, and to the entire Broadway Avenue community.

Pastor Dalton will be deeply missed by everyone who knew and loved him well, yet his light and love will always serve as a guiding force throughout our community and will radiate forever along Broadway Avenue and far beyond.

IN LASTING MEMORY OF ROBERT COMPTON

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of Robert “Bob” Compton of El Dorado, Arkansas. Mr. Compton passed away on Saturday, August 6th at the age of 76.

A graduate of Hendrix College in 1949 and the University of Arkansas Law School in 1952, Mr. Compton was an agent with the Federal Bureau of Investigation and in 1970 ran for the Democratic nomination for Governor of Arkansas. Additionally, Mr. Compton was a Special Associate Justice and Special Chief Justice of the Arkansas Supreme Court and served as Special Chairman of the Arkansas Public Service Commission.

A member of the Arkansas Bar Association and President from 1975–1976, Mr. Compton distinguished himself among his colleagues as an outstanding attorney. This is further evidenced by his receipt of the Arkansas Outstanding Lawyer Award in 1988, a classroom dedicated in his name at the University of Arkansas School of Law in May 2004, and the Arkansas Bar Foundation Award for Excellence in June 2004.

Mr. Compton was a respected attorney and was dedicated to his family, community and state. Bob was a good friend who inspired me through his wise counsel, deeds and actions, just as he has so many others over the years.

Bob leaves the City of El Dorado and the State of Arkansas a better place because of his many contributions.

Bob Compton truly led an exemplary life and developed a profound respect for our legal system. My deepest sympathies go out to his wife, Margaret Compton, their sons, Robert C. Compton, Jr. and Walter Knox Compton, their daughter, Cathleen Compton, and their grandchildren, Maggie, Whitney, Jackson, and Tyler.

TRIBUTE TO AMY SURGINDER LIGON NORTHRUP

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Amy Surginder Ligon Northrop on the occasion of her 100th birthday. Born September 28, 1905 in Dixiana, South Carolina, Mrs. Northrop became a successful entrepreneur, attended grade school in Dixiana and St. Ann Episcopal School in Cayce, South Carolina. She received her bachelor’s degree from Allen University in Columbia, South Carolina, where she later established a scholarship named after her and her late husband, John. With a boundless thirst for knowledge, she furthered her education at Tennessee State University, South Carolina State University, Almanella School of Beauty Culture, and the Manhattan Trade School in New York.

Broadening her knowledge of life and mankind through travel, Mrs. Northrop was at various times, a resident of Pennsylvania, New Jersey, and New York. With her foresight and vision, she opened a beauty shop in Brooklyn, New York. She relocated to South Carolina in 1935 and opened Amy’s Beauty Shop. In 1936, she became a member of the South Carolina State Cosmetology Association and the first clinic for the association was held at her business. When the Columbia Citywide Cosmetology Association was organized in 1938, Mrs. Northrop became one of the charter members.

In 1941, she successfully negotiated affiliation with the National Beauty Culturists League for the Columbia association. She became a state organizer at a national beauticians’ convention and organized beauticians throughout the State. Her interest in cosmetology led to extensive travel throughout the United States, Canada, and Mexico.

Mrs. Northrop has received numerous certificates and awards for her outstanding contributions to the field of cosmetology. In 1945, she received the great honor of being the first African American state inspector of beauty shops in South Carolina. A tireless civic leader, Mrs. Northrop founded Gamma Epsilon, a chapter of the Alpha Chi Pi Sigma Sorority, whose first members were beauticians from Charleston, Sumter, Kings Ferry and Myrtle Beach, South Carolina.

As an entrepreneur, she was successful in securing the purchase of property on Clark Street in Columbia as a headquarters for the city’s beauticians’ association. She later helped to secure the land on Fontaine Road where the State Cosmetology Headquarters, the Margarette H. Miller Cosmetology Center, now stands.

Mrs. Northrop is a life member of Mt. Pisgah African Methodist Episcopal Church in Dixiana, South Carolina, where she organized the Youth Church, the Pull Together Club, the National Council of Negro Women, and the NAACP. In 1997, she relocated to the Washington, DC area to live with her niece and nephew, Rose and Edgar Crook, and worship with them at Shiloh Baptist Church. She continues to maintain strong ties to South Carolina, however, and visits as often as she can.

Mr. Speaker, I ask that you and my colleagues join me in saluting Mrs. Amy Surginger Ligon, one of South Carolina’s and America’s finest citizens, as she celebrates her 100th birthday.
Mr. TOWNS. Mr. Speaker, the Council of Khalistan will be holding its annual convention in Detroit next month. It will be held from October 7 through October 9. This is a very appropriate date because Khalistan declared its independence from India on October 7, 1987 and the Council of Khalistan was formed at that time to lead the struggle to liberate Khalistan, a struggle that continues to this day, 18 years later.

It is outrageous that this struggle has had to go on so long, but the Council of Khalistan has been tireless in keeping it going and keeping the flame of freedom for the Sikh nation burning. I salute them on their convention and I wish them success both with their convention and with their efforts to bring freedom to the Sikh people.

It is time for India to get out of Khalistan and allow the people there to live in freedom. Until then, Mr. Speaker, we should stop our aid and trade with India and demand self-determination for the people of Khalistan, for the Kashmiris, as India promised in 1948, for the people of Nagaland, and for all the people and nations of South Asia. That is the only way to bring peace and stability to that troubled region.

IN MEMORY OF RONALD HYATT

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to remember former Marine Ronald Hyatt, of Calera, Alabama for serving our country in Iraq.

Hyatt was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7th when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Hyatt was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was courageous, thoughtful, and a true American. Today, I would like to recognize and celebrate his life.

He will be remembered as a family man, a former Marine, a reserve, and to those who knew him, just one of those guys you never forget. Please keep his wife, Robin, and their four small children in your thoughts.

It was my honor to have met Ronald Hyatt. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

IN HONOR AND REMEMBRANCE OF JUDGE ANDREW BOYKO

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Andrew Boyko, dedicated husband, father and grandfather, and mentor and fellow soldier, Judge Boyko's professional career as Municipal Judge, law director, and assistant prosecutor in the City of Parma, reflects a legacy of service to others who was and how he has lived his life. He grew up in Cleveland, graduated from West Tech High School in 1941, and served as a Navy Corporal during WWII. After the war, he graduated from John Carroll University and in 1955, Judge Boyko earned a law degree from Cleveland-Marshall College of Law.

In the early 1960's, he settled in Parma with his family, where he served as an assistant prosecutor until 1963, when he was elected to the post of law director. Judge Boyko's political ingenuity shone through when he orchestrated a bid for the post of law director for the City of Parma through a write-in campaign, successfully clinching the Democratic Party's nomination. He served as law director until 1987, when he was appointed to the municipal bench, where he served until his retirement in 1993. Although his professional achievements were significant, family and community were a consistent priority in Judge Boyko's life. He was an active member of numerous civic organizations, including the Elks Club, American Legion Post 572, Municipal Judges Association and the Citizens League, and he served on the Board of the Parma Savings Association. Judge Boyko embraced his heritage through his involvement at St. Andrew Ukrainian Catholic Church, where he headed the Ukrainian Youth League.

Mr. Speaker and Colleagues, please join me in offering our deepest condolences and good wishes to his family and community. Judge Boyko's unwavering work ethic and dedication to public service will be greatly missed by those who knew and loved him. Judge Boyko's life was lived with joy, energy and in service to others. His unyielding integrity and faith in our legal system will continue on as a guiding force of truth, fairness and justice for all.

A TRIBUTE TO THE CAREER OF JUDGE EDWARD SMITHERMAN, JR.

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to recognize the contributions of Judge Edward Thomas Smitherman, Jr. to Hot Springs, Arkansas and congratulate him on his retirement.

For more than 16 years, Judge Smitherman served on the bench of the 18th Judicial Circuit-East, both as a circuit and chancery judge. He served with distinction as the circuit and chancery judge, a member of the Ad Hoc Committee on Uniform Reporting of Case Information, and as chairman of the Board of Certified Court Reporter Examiners. Judge Smitherman has also given back to the Hot Springs community by serving on several civic boards including the Hot Springs Optimist Club, the Area Council of Aging, the Boys Club, the Salvation Army and the Hot Springs School Board.

I wish Judge Smitherman the best of luck and success in future endeavors and safe travels in his retirement.

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

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 14, 2005

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 3132, the Children's Safety Act of 2005. I can think of few offenses more horrifying than sexually assaulting or abusing a child. Children are among our society's most vulnerable and it's up to us, the adults, to protect them.

We have all heard the tragic stories about young children being kidnapped, assaulted, and too often murdered by sexual offenders who in some cases have been living in the same neighborhoods as these kids. Tragically, many of these offenders have committed multiple crimes against children. According to the National Center for Missing and Exploited Children, more than 500,000 sex offenders are registered in the United States and as many as 100,000 sex offenders may be located by law enforcement. Statistics from the Bureau of Justice show that child molesters who are released from prison are more likely to be re-arrested for child molestation than other sex and non-sex offenders. Approximately 3.3 percent of convicted sex offenders released in 1994 were rearrested for another sex crime against a child within 3 years. For those who had more than one prior arrest for child molestation, 7.3 percent were likely to be re-arrested for the same crime. And 24 percent of released offenders were reconvicted for a new offense, encompassing all types of crimes.

The legislation before us today would accomplish several critical objectives including requiring sex offenders to register more often and for longer periods of time, providing the public with access to more information on sex offenders, creating new penalties, and requiring DNA to be used to identify and prosecute sex offenders. However, I do share the concerns expressed by some of my colleagues regarding the limitations contained in the bill regarding the review of habeas corpus petitions by Federal courts.

I would like to thank Ranking Member Crowley for offering an amendment today that is based on legislation that I have introduced, H.R. 1193, the “Hate Crime Statistics Improvement Act,” which would require the Attorney General to collect data about gender-
based hate crimes. With accurate data, local communities can identify gender-based hate crimes in their area and chart their progress toward eliminating them. Moreover, the inclusion of gender will send a strong message that gender-based hate crimes will not be tolerated. It is my understanding that Chairman Stennis and I accept this amendment, and I thank him as well.

We must be diligent in our efforts to protect children from those individuals who would steal their innocence, or worse, take their lives. I am hopeful that this legislation will enhance our efforts already in place so that parents and communities can take the necessary steps to ensure that their children will be safe.

IN HONOR AND REMEMBRANCE OF ROBERT L. LEWIS, FOUNDER OF CUYAHOGA COMMUNITY COLLEGE

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Robert L. Lewis, beloved friend and U.S. Civil War Veteran. Mr. Lewis leaves behind a brilliant legacy that reflects his personal passions and professional accomplishments as a practicing attorney, educator, author and lifelong activist on behalf of the arts and education for all.

Mr. Lewis was born and raised in New York. As a young boy, he performed song, dance and comedy routines with his family on the vaudeville circuit. His formal education in public school did not begin until age 12. Extremely bright, Mr. Lewis quickly ascended through the grade levels. He graduated from high school at age 15 and enrolled in college at age 16. Following his service in the army in Europe during World War II, Mr. Lewis studied law at Western Reserve University in Cleveland and graduated in 1948 with a law degree.

Mr. Lewis joined the law firm of Ulmer, Berne, Laronge, Glickman and Curtis and retired in 1996 after 46 years of outstanding work with the firm. He worked as a professor at Case Western Reserve University’s Mandel Center for Nonprofit Organizations, and also taught corporate and contract law courses at what was then Cleveland Marshall School.

Throughout his adult life, Mr. Lewis maintained an unwavering focus on raising the lives of others into the light of possibility and achievement. He volunteered his time as past president of the Association of Governing Boards of Colleges and Universities; board member with PACE (Program for Action by Citizens in Education), and served on the board of the Fairmount Center for the Creative and Educational Opportunity.

His passion and belief that higher education should be affordable for everyone manifested itself in 1963 with the establishment of Cuyahoga Community College (CCC), an institution that continues to be a significant source of educational and career opportunities for thousands of people. Mr. Lewis served on the CCC Board of Trustees for 18 years and Chairman of the Board for 4 years. He also served as CCC’s “resident scholar,” and taught courses in Greek mythology and drama.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Mr. Robert L. Lewis, whose life was defined by his steadfast commitment to his family, his significant contribution to our communities and his boundless energy in promoting the performing arts and securing educational opportunities for everyone. I offer my condolences to his wife of 42 years, Joanne; his daughters, Pavia and Clea; his sons, Paul, David and Brian; his nine grandchildren and his extended family members and many friends.

The kindness, vision, energy and personal and professional excellence that flowed from the gracious life of Mr. Lewis will continue to serve as a fountain of learning and strength for the students and educators at Cuyahoga Community College, and his legacy will continue to raise our entire community into the light of hope, possibility and opportunity for all.

IN LASTING MEMORY OF JOHN H. JOHNSON

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the life and legacy of John H. Johnson. Born in 1918 in Arkansas City, AR, Mr. Johnson passed away on August 8 at the age of 87. Mr. Johnson has set an example for us all by being both an entrepreneur and a philanthropist. I would like to recognize Mr. Johnson’s lifetime of contributions to Arkansas and our nation.

Mr. Johnson began his distinguished career in 1942 as editor and publisher of Negro Digest. Just 3 years later, he began publishing Ebony Magazine, one of the most influential African-American magazines in the world, with a $500 loan. Mr. Johnson later became the founder, publisher, and chairman of Johnson Publishing Company, the world’s largest African-American owned publishing company.

In 1982, Mr. Johnson was the first African-American to name himself on the Forbes list of the 400 wealthiest Americans. Mr. Johnson’s long list of awards and accomplishments include: the Black Journalists’ Lifetime Achievement Award in 1987, the Wall Street Journal/Dow Jones Entrepreneurial Excellence Award in 1993, the Presidential Medal of Freedom in 1996—the highest honor this Nation gives to a citizen, the Arkansans Business Hall of Fame Award in 2001, the Vanguard Award in 2002, and the Trumpet Award in 2002.

Arkansas City and the University of Arkansas at Pine Bluff have worked together to create the John H. Johnson Cultural and Education Museum. On May 21 of this year, this museum captured Mr. Johnson’s lifetime of contributions to Arkansas and our Nation.

Mr. Johnson passed away on August 8 at the age of 87. Mr. Johnson has set an example for us all by being both an entrepreneur and a philanthropist. I would like to recognize Mr. Johnson’s lifetime of contributions to Arkansas and our Nation.

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The kindness, vision, energy and personal and professional excellence that flowed from the gracious life of Mr. Lewis will continue to serve as a fountain of learning and strength for the students and educators at Cuyahoga Community College, and his legacy will continue to raise our entire community into the light of hope, possibility and opportunity for all.
IN HONOR OF STANLEY M. FISHER

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Stanley M. Fisher, devoted family man, accomplished attorney, friend and mentor to many, and first-ever recipient of the Lifetime Achievement Award, bestowed upon him by the Northern District of Ohio Chapter of the Federal Bar Association. This premier mark of excellence reflects Mr. Fisher’s multifaceted service in the legal profession, service framed by achievement, integrity and heart.

After graduating from Oberlin College and the University of Michigan Law School, Mr. Fisher worked as a clerk for the 6th Circuit with Chief Judge Charles Simon and later for Justice Potter Stewart, before Justice Stewart was appointed to the U.S. Supreme Court. Equipped with unwavering commitment, steadfast integrity and expertise, Mr. Fisher’s work serves as a source of knowledge, strength and advocacy throughout all levels of the justice system. His significant service within the Federal Bar Association, FBA, extends from his role as past President of the Northern District of Ohio, lifetime member of the FBA Board of Directors, and most notably, the first Ohioan to serve as National President of the FBA.

In 1983, Mr. Fisher was appointed as an Ohio Commissioner with the National Conference of Commissioners on Uniform State Laws by then Governor, Richard Celeste. He was reappointed by Ohio Governors Voinovich and Taft. Mr. Fisher’s talent and conviction have impacted cases from Ohio to our Nation’s Capitol. President Clinton appointed Mr. Fisher to the Federal Service Impasse Panel in 1992. For 10 years, he handled mediation and arbitration cases, directing each grievance from preparation to resolution. Mr. Fisher continues his work as a local and national mediator and is currently serving his second term as a member of the American Arbitration Association Advisory Council.

Mr. Speaker and colleagues, please join me in honor and recognition of Stanley M. Fisher, for his outstanding and continued excellence as attorney, guide and leader within the legal profession. His unwavering focus on the balanced scales of justice serves to protect legal equity throughout our American system of justice, from Cleveland, to Washington, DC and beyond.

IN LASTING MEMORY OF REPRESENTATIVE NAP MURPHY

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today in honor of the memory of a great Arkansan and a devoted public servant, State Representative “Nap” Napoleon Bonaparte Murphy. Representative Murphy passed away on August 1, 2005, from preparation to resolution. Mr. Fisher continued his work as a local and national mediator and is currently serving his second term as a member of the American Arbitration Association Advisory Council.

Mr. Speaker and colleagues, please join me in honor and recognition of Stanley M. Fisher, for his outstanding and continued excellence as attorney, guide and leader within the legal profession. His unwavering focus on the balanced scales of justice serves to protect legal equity throughout our American system of justice, from Cleveland, to Washington, DC and beyond.

IN LASTING MEMORY OF REPRESENTATIVE NAP MURPHY

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of a great Arkansan and a devoted public servant, State Representative “Nap” Napoleon Bonaparte Murphy. Representative Murphy passed away on August 1, 2005, at the age of 83. He worked for nearly 50 years as the owner of a successful car dealership in Hamburg, Arkansas, but is better remembered for his colorful personality and career dedicated to helping the people in his community from the Arkansas State Legislature.

Representative Murphy was born on September 26, 1921, in Crossett, Arkansas. After moving to Hamburg in 1948, he bought the Main Street Esso Station. And just 4 years later, he purchased the local Ford Dealership. Representative Murphy was elected to the Arkansas House of Representatives in 1959, serving just one term before returning to Hamburg to run his business, and was re-elected in 1963 where he served until his retirement in 1995. Representative Murphy served as the distinguished Chairman of the House Agriculture and Economic Development Committee.

I had the pleasure of knowing Representative Murphy when I served in the Arkansas State Senate. He was a dynamic character who would begin and end every legislative session wearing his white suit and black bowtie. He had a great love for bluegrass music and enjoyed playing the banjo, mandolin, guitar, and fiddle.

Arkansas will certainly miss this great politician from humble beginnings and I will miss his sense of humor and dedication to our State. My condolences go out to Nap’s son, Jimmy, his daughter, Ila Murphy Campbell, his eight grandchildren and two great-grandchildren.

FREEDOM FOR OSCAR MARIO GONZALEZ

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Oscar Mario Gonzalez, a political prisoner in totalitarian Cuba.

Mr. Gonzalez is an independent journalist and pro-democracy activist in totalitarian Cuba. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, the dictatorship forcefully represses those who bravely support freedom and rise in resistance to the despotic regime.

According to Reporters Without Borders, on March 24, 2005, Mr. Gonzalez was summarily summoned and questioned by regime agents, who threatened that he would not be able to see his family again if he continued practicing as an independent journalist. Despite the gangster tactics and heinous threats, Mr. Gonzalez continued to demand basic human rights for the people of Cuba.

As part of the tyrant’s heinous July 2005 crackdown on peaceful pro-democracy opponents, on July 22, Mr. Gonzalez was arrested as he tried to participate in a peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. As part of this vicious crackdown, approximately 33 brave opponents were arrested at home, on their way to the demonstration or during the gathering.

According to CubaNet, Mr. Gonzalez has been charged with violating Law 88. This is the same sham law that the tyrannical regime used to wrongly convict many of the pro-democracy activists arrested in March 2003. Mr. Gonzalez is a brilliant example of the heroism of the Cuban people. Despite inescapable repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and democracy are the inalienable rights of the Cuban people. It is a crime against humanity that Castro’s totalitarian gulags are full of men and women, like Mr. Gonzalez, who represent the best of the Cuban nation.

Mr. Speaker, let me be very clear, Mr. Gonzalez is languishing in the grotesque squalor of the gulag because he desires freedom for all Cubans. My colleagues, we must demand the immediate and unconditional release of Oscar Mario Gonzalez and every political prisoner in totalitarian Cuba.

WELCOMING TAIWAN’S PRESIDENT CHEN

HON. SHERROD BROWN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. BROWN of Ohio. Mr. Speaker, the president of Taiwan, Chen Shui-bian, will be making a stop in Miami en route to Central America later this month. He will stop overnight in San Francisco on his return to Taiwan.

I am sorry that he won’t be stopping in Washington, DC. Many of my colleagues and I hope that in the future he and other Taiwanese leaders will be able to visit our capital. President Chen has been in office for more than 5 years. During his tenure as president, he has been able to unite Taiwan, stabilize cross-strait relations, seek social harmony and reinvigorate the economy.

To maintain cross-strait peace and stability, he reacted calmly to China’s enactment of its provocative antisecession law last March. Under his presidency, Taiwan’s global competitiveness increased and the nation now ranks as one of the world’s top economies.

On the international front, President Chen made several state visits to diplomatic allies. In April he went to the Vatican City to pay final respects to the late Pope John Paul II. During his brief stopovers in Miami and San Francisco this September, I hope my colleagues will take the time to visit with President Chen. President Chen is the leader of a young but prosperous democracy, and our mutual love of freedom can only be strengthened by these visits.

Taiwan is one of America’s most important allies. Taiwan is also our trading partner and friend. Whenever America has need, Taiwan is there. They have contributed to the Twin Towers Fund, the Pentagon Memorial Fund and most recently, Taiwan gave two million dollars to help victims of Hurricane Katrina.

Mr. Speaker, we must also remember Taiwan’s unique role in maintaining peace and stability in the Asian Pacific region. To have permanent peace in the region, the United States should urge Taiwan and China to reestablish cross-strait relations, seek social harmony and reinvigorate the economy.

Taiwan is the United Nations. Taiwan is also our trading partner and friend. Whenever America has need, Taiwan is there. They have contributed to the Twin Towers Fund, the Pentagon Memorial Fund and most recently, Taiwan gave two million dollars to help victims of Hurricane Katrina.

Taiwan is also our trading partner and friend. Whenever America has need, Taiwan is there. They have contributed to the Twin Towers Fund, the Pentagon Memorial Fund and most recently, Taiwan gave two million dollars to help victims of Hurricane Katrina.
I hope all Members of Congress will join me in welcoming President Chen as he transits through the United States.

IN HONOR AND RECOGNITION OF DENNIS MORTON
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dennis Morton, committed public servant, Vietnam War Veteran, and friend and mentor to many, upon the occasion of his retirement, following 32 years of dedicated service within the U.S. Department of Housing and Urban Development. Mr. Morton’s tenure at HUD reflects vision, ingenuity, endless energy and strong leadership, all focused on ensuring the availability of quality housing for the most vulnerable individuals of our society—our struggling and our poor.

Mr. Morton’s service at HUD began in 1977, when he was hired as a Realty Specialist in the Housing Management Division. Mr. Morton concentrated his efforts on all phases of acquisition, purchase and restoration of multifamily properties. As they have for decades, these properties ensure a basic yet vital need for thousands of residents in Cleveland and beyond—a dignified and safe place to call home.

Even though HUD has reorganized several times since its inception, Mr. Morton’s unwavering focus on transforming bankrupt multifamily properties into vibrant structures, has provided quality housing for thousands of citizens of all ages, from young families to the elderly. From Realty Specialist, to Public Trust Officer, to Director of the Federal Housing Authority Multifamily Program Center Office in Cleveland, Mr. Morton directed the acquisition and rehabilitation of numerous public and senior housing units, including Longwood Apartments, Reserve Square and the award-winning Arbor Park Village.

Mr. Speaker and colleagues, please join me in honor and recognition of Dennis Morton, whose dedicated work as a HUD administrator has provided a safe home for the most vulnerable residents of our community. Mr. Morton’s legacy at HUD will continue to serve as a brilliant example for all those who will follow in his path. His vital contribution continues to inspire our help in their times of need and are necessary support for their journey toward personal independence.

CONGRATULATING PHILLIP’S FLOWERS AND GIFTS ON BEING NAMED 2005 “RETAILER OF THE YEAR” BY THE ILLINOIS RETAIL MERCHANTS ASSOCIATION (IRMA)
HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate my friends at Phillip’s Flowers in Westmont, Illinois. On September 21, the Illinois Retail Merchants Association, IRMA will honor Phillip’s Flowers as the 2005 “Retailer of the Year” for its commitment to quality, customer service, and floral industry improvement.

Phillip’s Flowers deserves to be recognized and honored in this way for its many accomplishments. In the 82 years since James and Helen Phillip started Phillip’s Flowers, it has grown to become a Chicago area institution. Since 1923, the founders and their offspring have grown and improved the business to the point where it now ranks among the top 20 florists in the country in terms of delivery volume. In the 1980’s, Phillip’s helped launch a cooperative delivery program to expand the business’s service reach throughout the region and nation. And its service on the American Floral Endowment Board and the Society of American Florists has helped shape the floral industry as a whole. These accomplishments alone are worthy of this high honor.

Mr. Speaker, when the late Pope John Paul II visited Chicago in 1979, Phillip’s Flowers was selected to supply more than 17,000 chrysanthemums for the occasion. When Chicago Magazine ran its 2002 Readers Choice Awards, Phillip’s Flowers was chosen as “Chicago’s favorite florist.” And when IRMA in 2001 selected the top Retailers of the 20th Century, Phillip’s was honored among them. These honors are hard-earned for only the finest businesses, and Phillip’s Flowers has clearly deserved them. But perhaps most important of all, Phillip’s has provided beautiful flowers for many of my constituents’ most important moments in life—weddings, bar and bat mitzvahs, and special birthdays and anniversaries.

I congratulate Phillip’s Flowers on receiving the “Retailer of the Year” award, and I wish the people of Phillip’s the very best wishes for continued success in the years to come.

IN RECOGNITION OF 100 YEARS OF CATHOLIC SECONDARY SCHOOLS IN GRAND RAPIDS, MICHIGAN
HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EHLELS. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the Catholic Secondary Schools (CSS) of Greater Grand Rapids. Since 1905, these high schools have produced more than 27,000 graduates and thousands of community leaders.

The 2005–06 school year marks the centennial anniversary of Catholic high school education in Grand Rapids, Michigan. Catholic Central and West Catholic High Schools whose conception, growth, and荣耀 in this way for its many accomplishments. In the 82 years since James and Helen Phillip started Phillip’s Flowers, it has grown to become a Chicago area institution. Since 1923, the founders and their offspring have grown and improved the business to the point where it now ranks among the top 20 florists in the country in terms of delivery volume. In the 1980’s, Phillip’s helped launch a cooperative delivery program to expand the business’s service reach throughout the region and nation. And its service on the American Floral Endowment Board and the Society of American Florists has helped shape the floral industry as a whole. These accomplishments alone are worthy of this high honor.

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I congratulate Phillip’s Flowers on receiving the “Retailer of the Year” award, and I wish the people of Phillip’s the very best wishes for continued success in the years to come.

IN RECOGNITION OF THE ROYAL FAMILY AND PEOPLE OF THAILAND
HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROHRABACHER. Mr. Speaker, I rise today to acknowledge and thank the people, especially the royal family, of Thailand. In my lifetime, the people of Thailand, guided by a benevolent and wise royal family, have been among America’s best friends. Throughout the ups and downs of the Vietnam era, the Thai’s have stood with us steadfastly, even when it was uncomfortable for them to do so. They have also played a tremendous humanitarian role by taking in refugees from tyrannies from all directions.

Their generosity and friendship is recognized, respected and appreciated. In a time when millions of Americans are suffering the disastrous affects of Hurricane Katrina, they have stepped forward thirty offer a helping hand. They have donated thirty tons of humanitarian goods such as food and blankets. It is inspiring to see that there are countries who appreciate our help in their times of need and are
expressing it by helping our distressed people now. To the people and royal family of Thailand—thank you. Your compassion and friendship is much appreciated.

INTRODUCING A BILL TO MAKE FEMA AN INDEPENDENT AGENCY HEADED BY A QUALIFIED DIRECTOR

HON. MARK UDALL OF COLORADO IN THE HOUSE OF REPRESENTATIVES Thursday, September 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to reestablish the Federal Emergency Management Agency (FEMA) as an independent agency, and to require that its Director be someone with appropriate training and experience. The undeniable shortcomings of the federal response to the tragic effects of Hurricane Katrina have shown that FEMA’s most recent director, Michael Brown, was not qualified for the job—in fact, he really was in over his head. Now that he has resigned, Congress should begin the process of strengthening FEMA. As Americans that Federal emergency management efforts will be handled by a capable and effective leader.

As a first step, I think we should revisit and reverse our decision to fold FEMA—formerly an independent agency—into the Department of Homeland Security (DHS). I was never completely comfortable with that decision. When the House considered the legislation to establish the new Department, I voted for an amendment (offered by the gentleman from Minnesota, Mr. OBERSTAR) to keep FEMA independent. I did so because, as I said at the time, I feared FEMA’s core mission and focus would be lost in the new bureaucracy.

It was argued that FEMA—as the central agency in charge of disaster response and emergency management—should constitute the heart of the new DHS. But FEMA had been primarily engaged in and especially effective at responding to natural hazards, not terrorism. We should have left FEMA outside the new department, or at a minimum transferred its Office of National Preparedness to the new department, while leaving FEMA’s Disaster Response and Recovery and Mitigation Directorates intact.

Although the independent-FEMA amendment failed, I voted for the overall bill while expressing the hope that “the President will continue to work with the Congress to make sure the agencies moved to the new Department will be supported in their many other important duties even as they focus anew on their security roles.”

Unfortunately, recent events have given horrific proof that I hoped in vain and that my fears were well-founded.

Therefore, the bill I am introducing today will reestablish FEMA as a separate agency. It also will require that its Director be a person with appropriate formal training and at least two years of experience as the head of a disaster management agency of either a State or a political entity—a city, county, or other area—smaller than a state but with a population of at least one million people.

To provide continuity and insulation against politics, a director, once nominated by the President and confirmed by the Senate, would serve a 6-year term—although of course, as an Executive Branch official he or she would be subject to the direction and control of the President and thus could be removed by the President.

Reorganizing FEMA is only part of the necessary actions to respond to the tragedy and devastation on the Gulf Coast. But I think it is a necessary part, and I think this bill would help us be better prepared for the next emergency.

TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION

HON. TED POE OF TEXAS IN THE HOUSE OF REPRESENTATIVES Thursday, September 15, 2005

Mr. POE. Mr. Speaker, I rise today to honor the 100th meeting of the Texas District and County Attorneys Association. The men and women who serve the state of Texas as prosecutors are the foundation of the criminal justice system. As a prosecutor for 8 years and a district judge for 22 years, I witnessed firsthand the remarkable dedication to the law that is exhibited by county and district attorneys and their staffs. Texans are truly privileged to have such an extraordinary group of legal minds who have answered the call to public service.

On November 2, 1905, less than 50 prosecutors met in Dallas, Texas at the first meeting of the Texas District and County Attorneys Association. In 1970, the TDCAA re-organized for the purpose of offering training and technical assistance to prosecutors. The TDCAA has made great strides since that time, currently providing training to two-thirds of the prosecutors and staff in Texas. The 2005 meeting will take place in Corpus Christi, with more than 1100 prosecutors and staff members in attendance.

Mr. Speaker, I am proud to be a lifetime member of the Texas District and County Attorneys Association. Our district and county attorneys make communities safer while holding criminals accountable for their actions, and I commend the TDCAA for setting the bar with regards to training prosecutors. I wish the Texas District and County Attorneys Association all the best as they look forward to another 100 years of success.

TRIBUTE TO WERNER SCOTT

HON. EDDIE BERNICE JOHNSON OF TEXAS IN THE HOUSE OF REPRESENTATIVES Thursday, September 15, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there are few things I enjoy more in this job than getting the opportunity to shine the spotlight on truly deserving people who serve as a source of inspiration to the rest of us. Werner Scott of Irving, Texas, is one of those people, and I would like to pay tribute to him today.

Werner Scott is the founder and President of Advantage Marketing Group (AMG), and is recognized as a visionary in the world of enterprise and sports marketing responsible for initiating many ground breaking concepts.

Werner’s credits include the brand positioning of Dallas Cowboys superstar Emmitt Smith, yielding “Brand Emmitt,” “Emmitt Zone” and “Emmitt Zone For Kids” franchises. He has also worked for several corporations like American Airlines, Frito-Lay, and Bank One Texas, providing strategic market development expertise.

Under his guidance, AMG was the key architect in staging the NFL Run To Daylight and the NFL Fast Man competitions, and working with NBC Sports to produce the ongoing Bayou Classic, the Super Bowl of Black College Football.

Prior to finding AMG, Werner started his career in 1979 in brand marketing and sales holding a number of posts with Xerox and never looked back. He climbed through the ranks at Xerox becoming an invaluable executive within the organization from 1979–1985. A distinguished military and honor graduate from New Mexico State University, Werner majored in human resources management, with a minor in marketing sales.

Werner Scott has not only overcome tremendous challenges in this competitive industry, but he is a brave person who stands by the courage of his convictions. He has a strong passion for civic and charitable organizations including, The Open Doors Foundation, Academies of Excellence, and the Center for the Study of Sports in Society.

He is a truly extraordinary human being, and it is my hope that others will be inspired by his determination to succeed and the strength of his spirit.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN’S SAFETY ACT OF 2005

SPEECH OF HON. RON PAUL OF TEXAS IN THE HOUSE OF REPRESENTATIVES Wednesday, September 14, 2005

Mr. PAUL. Mr. Chairman, as an OB-GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those who sexually abuse children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. This is why I have supported legislation that increases penalties for sexual assaults on children occurring on Federal land.

However, Mr. Chairman, I cannot support this bill because it infringes on the States’ constitutional authority over the prevention and punishment of sex crimes. The late Chief Justice William H. Rehnquist and former United States Attorney General Ed Meese, two men who have had the privilege of bringing over 3,000 children into the world, have both warned that, although they no one has ever accused of being “soft on crime,” have both warned that, although creating more Federal crimes may make politicians feel good, it is neither constitutionally sound nor prudent. Rehnquist has stated that, “[t]he trend to federalize crimes that traditionally have been handled in state courts...to change the nature of our federal system.” Meese stated that Congress’s tendency in recent decades to make Federal crimes out of offenses that have historically...
been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

H.R. 3132 not only creates new Federal programs, it instructs the States to change their laws to conform with Federal dictates. This violates the Constitution, and can weaken law enforcement. For example, one of the provisions of the new law requires States to include those convicted of misdemeanors in their sex offender registries. Convicted misdemeanors are nonserious crimes, yet under this legislation State officials must waste valuable resources tracking non-serious sex offenders—resources that should be going to tracking those who are more likely to represent a real threat to children.

Thus, once again we see how increasing the role of the Federal Government in fighting these crimes—even when it is well intended—only hamstrings local and State law enforcement officers and courts and prevents them from effectively dealing with such criminals as the laws would have them deal with—harshly and finally.

Mr. Chairman, Congress could both honor the Constitution and help States and local governments protect children by using our power to limit Federal jurisdiction to stop Federal judges from preventing States and local governments from keeping these criminals off the streets. My colleagues should remember that it was a Federal judge in a Federal court who ruled that the death penalty is inappropriate for sex offenders. Instead of endorsing a bill that allows people to know when a convicted child molester or rapist is in their neighborhood after being released, perhaps we should respect the authority of State courts and legislators to give child molesters and rapists the life or even death sentences, depending on the will of the people of those States.

Just as the Founders never intended the Congress to create a national police force, they never intended the Federal courts to dictate criminal procedures to the States. The Founding Fathers knew quite well that it would be impossible to have a Federal government to successfully manage crime prevention programs for as large and diverse a country as America. That is one reason why they reserved to the States the exclusive authority and jurisdiction to deal with crime. Our children would likely be safe today if the police powers and budgets were under the direct and total control of the States as called for in the Constitution.

Finally Mr. Chairman, this legislation poses a threat to constitutional liberty by taking another step toward creating even more Federal “hate crime” laws. Instead of convicting a child molester or rapist as an extra level of punishment for the thoughts motivating a crime—as if murder or robbery motivated by “hate” is somehow more offensive than murder or robbery motivated by greed or jealousy. Laws criminalizing thought, instead of simply criminalizing acts of aggression against persons or property, have no place in a free society.

In conclusion, Mr. Chairman, since H.R. 3132 further burdens State and local law enforcement with unconstitutional Federal mandates that may make it tougher to monitor true threats to children, I encourage my colleagues to reject this bill. Instead, I hope my colleagues will work to end Federal interference in State laws that prevent States from effectively protecting children from sexual predators.

Despite huge revenue losses, the Montgomery bus system refused to alter its segregation policies.

Despite endless provocation from Whites, who often resorted to acts of violence and harassment, the Black community continued its boycott for over a year.

Finally, approximately a year after Rosa Parks refused to give up her seat on the bus, on November 13, 1956, the Supreme Court declared Montgomery’s bus segregation ordinance unconstitutional. Shortly thereafter, the Federal Interstate Commerce Commission banned segregation on all interstate trains and buses.

Although there were many other subsequent laws and decrees that helped to desegregate America, Rosa Parks’ courage was the incipient act that sparked the stand for equality across the Nation—culminating in the civil rights movement.

It is for these reasons that I strongly support this resolution honoring Mrs. Parks’ bravery. I thank my good friend, Representative John Conyers, for spearheading this noble effort and I urge my colleagues to support its passage.

A TRIBUTE TO SAMUEL L. JACKSON

HON. DORIS O. MATSUI OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. MATSUI, Mr. Speaker, today I rise to honor Samuel L. Jackson through hard work and dedication has become one of the most successful and well-respected attorneys in the state of California. As his friends, family and colleagues gather to pay tribute to Mr. Jackson’s remarkable career and to celebrate his retirement, I ask all my colleagues to join me in saluting this great American success story.

Sam was born in 1947 in Pensacola, Florida. At the age of four, Sam’s parents separated. Thereafter, Sam’s mother, Annette, raised her six children alone while working two jobs. Mrs. Jackson taught her children that education was the key to success, and Sam graduated from high school in segregated Pensacola, Florida. However, despite the fact that Sam was on the honor roll for nearly all of his childhood, he was unable to attend college immediately due to the lack of scholarship money available to graduates of all-black high schools.

To earn money for college, Sam joined the United States Air Force, where he served honorably from 1966 until 1970. Sam’s military career included stateside service at Mather Air Force Base in Sacramento and Travis Air Force Base in Fairfield, as well as thirteen months in Vietnam. After receiving numerous medals, ribbons, and awards, Sam was honorably discharged, and returned home to enroll at Sacramento City College.

While still in the Air Force and stationed at Mather, Sam served as best man in a friend’s wedding, accompanying the bride’s sister Esther. The next time Sam and Esther walked down the aisle together, it was as bride and groom. They married in 1970 upon his return from Vietnam, and recently celebrated their 35th anniversary. Sam and Esther have one child, Andre Reginald.
After earning his Associate of Arts degree from Sacramento City College, Sam continued his education at California State University, Sacramento. He received his Bachelor of Arts degree in only three years of college study, despite working full time for the United States Postal Service throughout his undergraduate career. After concluding his undergraduate education, he proceeded to law school at McGeorge School of Law, where he graduated in 1977.

As a first-year lawyer that same year, Sam was hired as a Sacramento Deputy District Attorney. After two years of working in this capacity, he decided that civil litigation suited him better. Sam obtained a lateral appointment to the position of Deputy City Attorney in 1979, and was promoted to the top of the deputy attorney hierarchy in the minimum amount of time allotted for such advancements.

In 1994, after fifteen years of distinguished service in the City Attorney's office, Sam was appointed by the Sacramento City Council as the 36th City Attorney in Sacramento's history. He has served that post for over 11 years, but last year Sam notified the City Council that he would be retiring no later than December 30, 2005.

Along with his impressive career achievements, Sam has also made substantial contributions to Sacramento through community involvement. The highlight of his community service occurred in 1981, when he undertook the management of a little league baseball team that had never enjoyed a winning season. As to be expected, Sam led the youngsters to a dominating 18-4 record by emphasizing teamwork and respect for others.

Mr. Speaker, as Sam's friends, family, and colleagues gather to celebrate his admirable career, I am honored to pay tribute to one of Sacramento's most selfless and dedicated citizens. Although his legal career may be over, Sam's involvement in his community is, fortunately for us, far from complete. I ask all of my colleagues to join with me in wishing Samuel L. Jackson continued success in all his future endeavors.

**COAST GUARD YARD, BALTIMORE, MD**

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. RUPPERSBERGER. Mr. Speaker, It is my honor to rise today to call special attention to the United States Coast Guard and in particular the Coast Guard Yard in Baltimore. I have always said that I consider the U.S. Coast Guard to be America's secret weapon. After their heroic efforts played before us in the wake of Hurricane Katrina, I believe the secret is out. For over two hundred years, our nation's Coast Guard has patrolled and protected our coast lines, which today totals over 95,000 miles. Fulfilling incredible missions including maritime security, search and rescue, drug interdiction, search and rescue, and recreational boater safety, all Americans are indebted to our Coasties for their dedication and service each and every day.

And for over a century, Coast Guard Yard in Baltimore has served as the backbone of the Coast Guard providing its primary shipbuilding and major repair facility. I am proud to represent the Yard and the admirable people who work there. Their commitment to the quality of work, excellence, vision and ingenuity makes this Yard an invaluable asset to the Coast Guard. Ship building and repairs require special individuals with highly specialized skills. This is a vanishing art form, particularly for a working Yard and workers that continually live up to the motto of "Service to the Fleet."

For budgetary reasons, the Coast Guard and Yard are planning to cut 50 full time employee positions from the Yard. While I understand our difficult economic times, I am concerned that such a decision would be made when we are fighting a war on terrorism both here at home and abroad. There should be no doubt about the abilities and capabilities of the Coast Guard, and the personnel at the Yard are a vital link in that chain.

This week we will consider H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. I offered an amendment to this legislation that would have restored $9 million in funding to the Coast Guard Yard FY06 Budget to safeguard those highly specialized jobs. I am concerned that the loss of these skills in the Yard will not only harm my district and the local economy, but it will have a negative impact on the Coast Guard's ability to fulfill its missions in the future. Shipbuilders are not a dime a dozen and you cannot simply call your local temp agency for a new one. These are skills that require apprenticeships and work over years to master. When these jobs leave the area, I worry if we will be able to get them back should we need them at a future date.

Now is the time not to cut corners and jobs in this specialized workforce. Now is the time when we should fully fund the needs of the Coast Guard including the Yard to help them do their jobs and protect Americans.

The Coast Guard Yard in Baltimore has played an enormous role in Operation Enduring Freedom and Operation Iraqi Freedom. Reserve units have provided port security in the Persian Gulf, allowing our troops and humanitarian aid to move safely. They've been involved in telecommunications, boarding operations and search and rescue. The Yard also answered an urgent request from the U.S. Army and Marine Corps to quickly repair over a dozen old style bridge erection boats. These boats were refurbished and shipped to Iraq, allowing bridges to be built over the inland rivers permitting the transportation of personnel and supplies.

I am so proud of the work that has been accomplished at the Yard and the contributions that have been made. It is vitally important that we give them the tools and the money that they need to operate effectively and efficiently. I regret that the House Committee on Rules failed to make my amendment in order to restore this critical funding and I would hope my colleagues on both sides of the aisle will join me in this fight in the future to correct this mistake.

IN HONOR OF PRESIDENT CHEN SHUI-BIAN'S VISIT TO THE UNITED STATES

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SESSIONS. Mr. Speaker, Taiwan President Chen Shui-bian will be staying for two nights in Miami en route to Central America; on his way back to Taiwan he will be staying overnight in San Francisco. During the last five years as president of Taiwan, Chen has been on several state trips to some of Taiwan's diplomatic allies. Last April President Chen visited the Vatican City to pay final respects to the late Pope John Paul II. I hope President Chen's stopovers in America this September will be both restful and useful to the exchange of ideas between himself and some of his American friends and supporters.

As a friend of the Taiwanese people, I believe that Taiwan has been unjustifiably denied its proper recognition in the international community. Taiwan is a sovereign state; it is a constructive global citizen and a dynamic democracy. Yet it is not a member of the United Nations. As the United Nations celebrates its 60th anniversary this year, it is time for the UN General Assembly to re-examine the issue of Taiwan's membership. I therefore urge my colleagues, friends and supporters of Taiwan to speak up on the issue of Taiwan's bid to join the UN. The world must not allow China, an authoritarian state, to continue to deny Taiwan UN membership.

As for Taiwan's relations with the United States, Taiwan enjoys the support of both the Bush Administration and Congress. U.S. presidents have all committed the United States to the Taiwan Relations Act and pledged support for Taiwan if it were to be attacked by China. Congress has also passed legislation voicing its support of Taiwan. In the mean time, the United States has continued to sell military articles to Taiwan in accordance with Taiwan's defense needs. In addition, we appreciate our strong trade relations with Taiwan. This September a Taiwan agricultural goodwill mission is touring the United States, pledging to buy up to more than $3.1 billion of U.S. wheat, soybeans, corn and rice in 2006 and 2007. A letter of intent signing ceremony between members of the Taiwan mission and U.S. grain exporters was held on September 14 on the Hill.

Trade relations aside, the Taiwanese people have been standing firmly behind the United States for 9/11. Their government has made every effort to protect U.S. interests in Taiwan and cooperated with our intelligence agencies. It made monetary contributions to the Twin Towers Fund, the Pentagon Memorial Fund and most recently gave $2 million to victims of Hurricane Katrina. Other signs of friendship include Taiwanese people sending their brightest students to study at our colleges and universities and a great majority of their tourists choosing to spend their dollars in American destinations.

As President Chen passes through America this September, we'd like him and his people to know that we greatly appreciate his country and have great fondness for his people and their friendship for us.
Mr. RANGEL. Mr. Speaker, I would like to congratulate Handley Church of Christ for celebrating its 100th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

Throughout the years, the congregation continued to grow and with that came the need for more space. In 1919, the church moved to a frame building with seating for 60 people. With church membership listed as 150, there was still not sufficient room. The congregation has since stayed on that property and continually added to and remediated the building.

Today, the sanctuary will seat 1,000 people and the property includes an educational building as well as a building consisting of classrooms. The church will commemorate its 100 years by unveiling a Texas State historical marker. As its founders intended, the Handley Church of Christ endures today as an example of a pioneer institution which has adapted itself to new surroundings and times without compromising traditional beliefs and values. As one of Tarrant County’s oldest churches, it occupies an important place in the Handley community today as a symbol of endurance, stability and service.

Congratulations to the congregation at Handley Church of Christ on their anniversary. One hundred years of worship is a milestone to be celebrated.

AN EXCELLENT OP-ED ARTICLE ON HURRICANE KATRINA

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention an excellent op-ed article that appeared last week in the New York Times by David Brooks titled, “Katrina’s Silver Lining.” The op-ed article points out that the devastation which occurred earlier this month along the Gulf region now presents us with the challenge to address the roots of poverty in the United States.

Poverty was the underlying cause of the tragedy that occurred in Louisiana a couple of weeks ago. Many of the people who were unable to evacuate did not have the economic means to flee the hurricane that destroyed their city and countless lives. An individuals financial circumstance should not get in the way of life and death decisions. Low-income families have the right not to risk their safety and well-being simply because they do not have the financial means to protect themselves.

Addressing the tragedy that occurred in New Orleans will take more than rebuilding the city’s infrastructure. In order to ensure that the human suffering that has occurred never happens again, we need to address the high rates of poverty that exist in this Nation. Every American should have the right to live a better life. We must ensure that everyone has the ability to adequately care for their families. Moreover, we need to ensure that every American has access to educational opportunities which lead to greater outcomes. And we must ensure that no one is forced to make a life and death decision based on their financial circumstance.

Early estimates suggest that thousands of Americans may have perished as a result of Hurricane Katrina and the events that occurred after the storm, while many others were injured. The families that were forced to remain in Louisiana during the storm have finally been evacuated and now faced with the difficult task of rebuilding theirs lives. Sadly, many of them are also desperately searching for missing loved ones.

In the wake of this disaster, let us move forward with an aggressive agenda to eradicate poverty in the United States. Let us rise to the challenge that Hurricane Katrina presented to us by removing the hurdles that force too many families to live in poverty. We can do this. The survivors of Hurricane Katrina, and the millions of other Americans who are living in poverty, deserve nothing less.

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

KATRINA’S SILVER LINING
(By David Brooks)

As a colleague of mine says, every crisis is an opportunity. And sure enough, Hurricane Katrina has given us an amazing chance to do something serious about urban poverty.

That’s because Katrina was a natural disaster that interrupted a social disaster. It separated tens of thousands of poor people from the run-down, isolated neighborhoods in which they were trapped. It disrupted the patterns that have led one generation to follow another into poverty.

It has created as close as a blank slate as we get in human affairs, and given us a chance to rebuild a city that wasn’t working. We need to be clear about how much we can actually change human behavior, but it would be a double tragedy if we didn’t take advantage of these unique circumstances to do something positive. The relocated parents weren’t more likely to have jobs or increase their earnings if they move into middle-class areas. This time the results will include a certain number of poor people.

As people move in, the rebuilding effort could provide jobs for those able to work. Churches, the police and social welfare agencies could be mobilized to weave the social networks vital to resurgent communities. The feds could increase earned-income tax credits to people who are working can rise out of poverty. Tax laws should encourage business development. We can’t win a grandiose war on poverty. But after the tragedy comes the opportunity. This is the post-Katrina moment. Let’s not blow it.

COMMENDING DEPAUL UNIVERSITY’S RESPONSE TO HURRICANE KATRINA

HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of DePaul University of Chicago. Founded in 1898, DePaul is the nation’s largest Catholic University. This institution has a long history of public service, and is continuing that tradition in its extraordinary response to Hurricane Katrina by offering compassion, assistance, and educational opportunities to students affected by this national crisis.
Once it became clear that Hurricane Katrina would disrupt the education of thousands of students attending universities located along the Gulf Coast, DePaul University opened its doors. As of September 9, DePaul had accepted 150 displaced students.

DePaul also offered student tuition grants to their visiting students, requesting that they make tuition payments to their home university. DePaul has also taken steps to secure additional financial aid for these students.

The students at DePaul have also taken action to help victims of Hurricane Katrina. By September 9, these students had raised more than $5,000 to purchase supplies to be sent to the Gulf Coast. Many campus groups, including student athletes, Student Leaders Emerging, S.A.V.E., and DePaul chapters of the NAACP and Target Hope, have organized relief efforts. Other DePaul students are exploring ways to assist displaced Gulf Coast residents who have migrated to Chicago after evacuating from their homes.

Mr. Speaker, our Nation is faced with an unprecedented challenge. Caring for the victims of Hurricane Katrina and helping them rebuild their lives will require the dedication of all Americans. I am proud of the efforts of the students, faculty and administration of DePaul University in response to this national tragedy, and of similar efforts in colleges and universities throughout Chicago and across the country.

HONORING EVA HALLER AND COUNTERPART INTERNATIONAL

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mrs. CAPPS. Mr. Speaker, I rise to recognize a great organization, Counterpart International, and a tireless advocate, Eva Haller. For 40 years Counterpart International has done extraordinary work, first helping South Pacific countries move from colonialism to independence, and then expanding their efforts to assist the growth of democracy in Africa, Latin America, Eurasia, and around the Caribbean. This global organization’s strategy is to engage people in their own communities through education and exchange programs that teach the skills necessary for citizens to strengthen their homeland’s independence from within.

Counterpart also brings together and draws upon the support of governments, corporations, and individuals to accomplish this goal. Their approach relies on “smart partnerships” which engage all sectors and benefit all participants. These two principles increase the likelihood of success where other development programs fail.

Another key element in Counterpart’s success is my dear friend and constituent Eva Haller. As a board member of Counterpart she has emphasized a focus on women, the environment, and preservation of cultures. She is a great organization, Counterpart International.

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. CUMMINGS. Mr. Speaker, I rise tonight to talk about poverty in our nation—the harsh reality of which played out painfully for all of the world to see after Hurricane Katrina struck the Gulf Coast region.

The televised images of hardship, death and despair from New Orleans may have opened the doors to this nation’s reservoir of compassion—but something more than a momentary outpouring of conscience will be required to keep those doors from slamming shut again when the television spotlights dim.

Hurricane Katrina and its aftermath revealed the harsh realities of poverty in America. The heartbreaking visions of lost children searching for their families, elderly people trapped in their houses, diabetics suffering without their insulin and corpses floating in the streets have the potential to become a transforming event.

That potential will be realized, however, only if Americans of conscience join together in a national movement to end poverty in America. Once again, a generation of Americans must find within ourselves the courage, optimism and organizational skills that will allow us to demand an end to the poverty that underscored the New Orleans tragedy—and to make permanent our demand for positive change.

The road toward achieving this goal must begin, as all missions of change begin, in our personal experience as a people. Consider two families who have been transformed by the New Orleans disaster—whom I will call the Jones and Smith families. I am using fictitious names and relaying a blended story to protect their privacy—but quite frankly Mr. Speaker their stories are a common refrain from the Katrina fallout.

Prior to this storm, Mr. and Mrs. Jones lived in public housing with their three children. Neither parent had a high school diploma and—as a result—they lived in a neighborhood surrounded by unemployment and poverty.

If it had not been for Hurricane Katrina, the Jones family might never have met the Smiths, a middle-aged couple who live in an upscale suburban home hundreds of miles away.

The Smiths were haunted by the suffering that they were witnessing on their television screen. Called to take action by their church, they opened their home and gave the Jones family a place to live in the basement of their home. The impact of their generosity has been profound.

Before the storm and the flood, Mr. Jones had been unemployed due to layoffs at the New Orleans oil refinery where he had worked. Now, one of Mr. Smith’s neighbors, a lumber yard supervisor, has given Mr. Jones a job—and the Smiths are helping the Jones family research GED programs that can help them get even better jobs.

Across America, churches and good people like the Smiths are coming together to provide the shelter, warm meals, clothing and other help that will allow many of the survivors of Hurricane Katrina to rebuild their lives. School districts have opened their classrooms to the more than 372,000 students displaced by the storm. Government and non-profit organizations are holding job fairs to help those who have been displaced find employment.

We cannot remake the past, but we can give meaning to the staggering toll of those who have suffered and died as a result of this national tragedy. That is what the Smith family is doing, and they deserve our applause.

Yet, if the debacle in New Orleans is truly to become a “tipping point” that guides this nation toward a more humane society, something more than individual acts of compassion will be required.

Consider these facts. In New Orleans before the storm, three out of every ten residents lived below the poverty line—and at least 37 million Americans (includin more than 5 million American children) are now living in poverty nationwide.

In fact, the number of Americans falling into poverty increased again last year for the fourth straight year. While the economy grew 3.8%, the number of Americans living below the poverty line increased by 50.1 percent of income going to the top 20 percent of households—where only the top 5 percent of income earners saw an increase in real income gains in 2004 according to the Economic Policy Institute.

Mr. Speaker, it is an undisputable fact that many of the victims of Hurricane Katrina were victims of poverty and neglect.

However, I believe like many of my colleagues that they should not have to wait for our compassion until another disaster brings with it the televised deaths in our streets.

At the federal level, we must demand that those who now control both the Congress and the White House back up the words of compassion that they speak. That is why I have joined House Minority Leader NANCY PELOSI in urging that the House Republicans set aside their plan to cut the federal budget by $35 billion to help pay for another $70 billion tax cut for the rich.

Americans need to know that, while the Republican leadership expresses compassion for this nation’s poorest citizens, they are planning to cut $10 billion from Medicaid, $9 billion from federal student aid, and additional tens of billions of dollars from the federal food stamp program, public housing assistance, Head Start, public education and job training programs.

As a nation, we can do better than this. Shortly after the New Orleans tragedy touched our Nation, I offered this challenge to the Bush Administration and its allies in the Congress. “We cannot allow it to be said by history,” I declared at a Washington press conference, “that the difference between those who lived and those who died in the great storm
flood of 2005 was nothing more than poverty, age or skin color.”

This, I submit, is the continuing challenge of poverty in America—a challenge that will continue to test the moral fabric of our Nation. I applaud my colleague Representative Barbara Lee efforts to shine a bright light on America’s economic disparities and resultant poverty. I hope that her bill H. Con. Res. 234, serves to allow us to begin to discuss and to address solutions to ending poverty in this country. To do so, I firmly believe that we have to rethink how our federal fiscal and social policies are lending significantly to the poverty problem.

A moral people would take up this challenge. A moral people would understand that it is time for a change.

TIME TO ESTABLISH AN INDEPENDENT HURRICANE KATRINA COMMISSION

HON. WM. LACY CLAY OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CLAY. Mr. Speaker, this is to register my support for the legislation, H.R. 3764, to establish an independent commission to study the Federal Government’s response to Hurricane Katrina.

The disaster brought by Hurricane Katrina is indisputable. The failure of government agencies and elected officials to effectively minimize the suffering and death of the victims in the Gulf Coast is indefensible.

History will record the Katrina disaster as a turning point in this nation’s history. When the waters rose and the levees burst, the world watched as thousands of sick and elderly Americans, thousands of poor families with young children cried out for food and water. American citizens who trusted the advice of the government were abandoned in an evacuated city without food or water, without plumbing, without law enforcement, without transportation and without hope. The pictures we saw were nothing short of unbelievable. Mr. Speaker, in September 2005 the image of America was forever changed in the eyes of the entire world.

As a nation we can no longer pretend that all Americans have the opportunity to share in the wealth of this great nation. The winds of Katrina exposed the truth to all Americans and to all the world.

The very least this body must now do is to abandon the partisanship that has stifled public policy making for too many years. We are elected officials and our first responsibility is to represent the people—not to represent political parties. There should be no disagreement that whatever government did or did not do in response to Hurricane Katrina, we did not do our best. The federal efforts to shine a bright light on America’s economic disparities and resultant poverty. I hope that her bill H. Con. Res. 234, serves to allow us to begin to discuss and to address solutions to ending poverty in this country. To do so, I firmly believe that we have to rethink how our federal fiscal and social policies are lending significantly to the poverty problem.

A moral people would take up this challenge. A moral people would understand that it is time for a change.

RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

HON. MICHAEL M. HONDA OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HONDA. Mr. Speaker, I would like to recognize and honor the more than 3,000 lives that were lost on one of the most tragic days in our history, September 11, 2001. Four years after this dreadful day, our Nation continues to mourn the loss of so many friends and family members, whose lives were cut short by previously unthinkable acts of terror.

In remembrance of the bravery of the passengers and crew on United Airlines Flight 93, I strongly supported Senate Concurrent Resolution 26, which pays tribute to their heroic efforts. Their decisive and brave decision to overtake the September 11 terrorists likely saved the lives of countless Congressional Members and staffers, as well as the U.S. Capitol or White House from almost certain destruction.

The San Jose community I represent was especially saddened by the loss of Captain Jason Matthew Dahl, the pilot of Flight 93 and a true American hero. Jason grew up in San Jose, and his parents used to deliver milk to Hillsdale Elementary School, where I served as principal. His courage and the courage of the other passengers and crew of Flight 93 was reflective of the spirit displayed in abundance by so many Americans that day. Establishing a memorial as called for in Senate Concurrent Resolution 26 will be a permanent tribute to the 40 selfless individuals of Flight 93 who overcame fear and mobilized into action to defend their fellow Americans.

I hope that Congress will show that same kind of strength and focus and their families and our homeland. The campaign against terrorism will be a long-term engagement, but we owe it to the families of the victims of 9/11 to use all appropriate tools to ensure that such a tragedy will never happen again.

RECOGNIZING HISPANIC HERITAGE MONTH

HON. PATRICK J. TIBERI OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. TIBERI. Mr. Speaker, I rise today in celebration of National Hispanic Heritage Month, and in special recognition of Hispanics in central Ohio and throughout our country.

This designated month in America celebrates the culture and traditions of our friends and neighbors with Hispanic roots. Hispanics are now the largest minority group in the United States. The 2000 Census found that 35.3 million people identified themselves as Hispanic American. That represents a 58 percent increase from the 1990 Census.

Beyond the data, the reality is that Hispanics are an integral part of America’s social fabric. I am proud that the State of Ohio is home to more than 217,000 residents of Hispanic/Latino descent. Hispanic Americans continue to make great strides in education, employment, health, homeownership, and economic mobility. This is a result of a set of values that includes a strong work ethic, family values, and service to community.

Hispanic Americans in central Ohio serve the community in numerous capacities. In particular, recent immigrants unfamiliar with the English language are served by Spanish interpreters who help provide them access to health care, education, legal assistance and other vital services. Mi Directorio Hispano, a business directory, and Spanish newspapers in central Ohio, like La Voz Hispana, connect Hispanics with the community and keep them informed. The Ohio Hispanic Coalition, a non-profit outreach organization, and the Ohio Commission of Hispanic/Latino Affairs serve as advocates for the needs of Hispanic people and help to promote good relationships among the community at large.

Mr. Speaker, the Hispanic community is a vital part of central Ohio and our country. As we move forward as a nation, it is important to pursue policies that can further expand opportunities for Hispanic Americans. I ask all of my colleagues to join me in support and in honor of Hispanic Americans, their culture and traditions, and their work and service that contribute to the greatness of this Nation.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN’S SAFETY ACT OF 2005

HON. JANICE D. SCHATOWSKY OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. SCHAKOWSKY. Mr. Chairman, I have asked for unanimous consent to be removed from the list of cosponsors on H.R. 3132. My name was added to the list unbeknownst to me and my staff due to a clerical mistake made by the House Judiciary Committee Majority Staff. For the record, I did not ask to be added to the list of cosponsors.

Sexual crimes against children are terrible and reprehensible acts. I believe that it is vital that we take every precaution to protect our
children from sexual violence and that we punish those criminals who prey on our children. However, I stand today in opposition to H.R. 3132, the Children’s Safety Act. While I support many of its provisions, I am concerned that this bill would expand the use of the death penalty, impose mandatory minimum sentences, and punish more young people as adults.

Although I believe that harsh penalties and aggressive prosecution of sex offenders are necessary, I oppose this bill because it would create at least two new death penalty provisions. I strongly oppose the death penalty because it is fraught with problems such as inadequate representation for the accused, lack of access to DNA testing, police misconduct, racial bias and other errors. Experts have found a national error rate of 68 percent, which means over two-thirds of all capital convictions and sentences are reversed because of serious errors during trial or sentencing phase. In fact, former Illinois Governor Ryan declared a moratorium in 2000 after 13 people were released from death row because of innocence. The error rate in Illinois is 66 percent. Therefore, I believe capital punishment is inconsistent with Constitutional requirements of fairness, justice, equality and due process.

This bill would also create 36 new mandatory minimum sentences which are arbitrary, ineffective at reducing crime, and unfair. The United States Sentencing Commission found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences with no evidence that mandatory minimum sentences had any more impact in reducing crime than sentences where the judges had discretion. Judges are exercising their discretion responsibly under advisory guidelines, and there does not appear to be an epidemic of judicial leniency. A proliferation of mandatory minimums is not the answer.

I agree that sexual abuse crimes against children are serious concerns today. Unfortunately, this bill takes the wrong approach. I am especially concerned that this bill allows for more youths to be tried as adults. For example, a 17-year-old with a 17-year-old would be treated the same as an older adult predator of young children. The vast majority of children and teenagers show a high response rate to treatment and often do not become adult sex offenders. This bill would mandate lifetime sex offender registration for children and youth, and subject them to long prison sentences. Research shows that young people who are prosecuted as adults are more likely to commit a greater number of crimes upon release than youths who go through the juvenile justice system.

Representative EThERIDGE offered as an amendment to H.R. 3132, the provisions of H.R. 2662, the Local Law Enforcement Hate Crimes Prevention Act. I am an original cosponsor of H.R. 2662, and strongly supported this amendment to H.R. 3132. This legislation would make it easier for the federal government to investigate, prosecute and prevent hate crimes across the country. And I hope it is enacted.

It is the responsibility of Congress to the young people and to all citizens to combat violence against children. Unfortunately, this bill takes us in the wrong direction. 33 scientific researchers, treatment professionals and child advocates have written to express their opposition or serious concerns with this bill. Although this bill included the provisions of H.R. 2662, which I strongly support, I oppose H.R. 3132 because it would treat youths as adult criminals and lead to a potential increase in the number of innocent people being executed or languishing in prison.

CREATION OF AN INDEPENDENT HURRICANE KATRINA COMMISSION

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise to support the creation of an independent commission to investigate the preparedness and response to the overwhelming devastation and loss of life from Hurricane Katrina and in opposition to the creation of a partisan select committee.

I cosponsored Congressman HASTINGS’s (R-WA) bill to create an independent commission because it is the right thing to do. The 9/11 Commission proved successful in investigating all branches and levels of government and offered concrete suggestions to Congress to correct breaches in our national security. The Hastings bill follows that model and presents the best option for a thorough, impartial investigation into the federal response to Hurricane Katrina.

An independent commission is the best approach to this task, as it would allow a higher degree of impartiality and independence than a partisan select committee. I expect the Commission to conduct a through investigation of all the people and agencies involved by questioning everyone directly involved in the decision-making process, including the White House Homeland Security Secretary Michael Chertoff and former FEMA director Michael Brown. In addition to investigating the federal government’s response to this horrendous natural disaster, the Commission should also determine if our country is adequately prepared to respond to another disaster of this magnitude, as well as serve the needs of all communities potentially affected. This Commission should also provide recommendations regarding improvements to the Executive and Legislative branches that would increase the efficiency and effectiveness of disaster response.

Congress also has a constitutional duty to use its full oversight authority through the committee hearing process to assess the federal government’s responsibilities and response to this disaster. We, in North Carolina, have plenty of experience with hurricanes and natural disasters, and we know that we must first rely on our state and local authorities to plan and prepare, but we make these plans with the knowledge that the federal government will back us up when we are overwhelmed.

Congress must make sure that the federal response agencies appreciate and understand their responsibilities to the states in the event of a disaster. Congress must hold the Administration to the highest standards of professionalism and vigorously conduct our constitutional obligation for oversight of these agencies. We must restore the professional integrity of FEMA to protect the American people from natural disasters as well as terrorist attacks.

Mr. Speaker, our country has worked to increase its preparedness for four years since that tragic day in September 2001, and it appears our efforts have failed. We must work swiftly to correct past mistakes so that we can ensure the safety of all Americans during a time of crisis.

TRIBUTE TO HISPANIC HERITAGE MONTH

HON. JOSE’ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to National Hispanic Heritage Month. During this month, America celebrates the traditions, history, and unique experiences of those who trace their roots to Mexico, the countries of Central and South America, the Caribbean and Spain and we thank them for the many contributions they have made to this nation.

Unlike any other country on earth, America thrives on its ability to attract people of all faiths, colors and creeds to reside within its borders. Such mixing of cultural knowledge and experiences has helped this country to become the greatest nation the world has ever known. Moreover, as a Puerto Rican, I am very proud of the contributions Hispanics have made and continue to make to this cultural mosaic.

Hispanic influence on American culture is evident from every aspect of American life including music, film, food, arts, sports and politics. Economically, culturally, and politically, Latinos are an integral part of our nation. As we celebrate this special month I would like to pay special tribute to those who have been Hispanic trailblazers and helped to bring the rich culture of the Hispanic people to the United States. As a Hispanic Member of Congress, I along with the rest of the Congressional Hispanic Caucus, follow in the footsteps of great pioneers such as Joseph Marion Hernandez who became the first Hispanic to serve as a member of the United States Congress in 1822. Roberto Clemente, Celia Cruz, Raul Julia and countless others helped to open doors in their respective fields enabling the Hispanics of today to share their rich history and culture with all Americans.

As we forge ahead in the 21st century we must continue to work to guarantee that America is not only rich with diversity but equality as well. I am committed to ensuring that Hispanics are able to enjoy a higher standard of living for generations to come. It is important that Hispanics become home owners, attend institutions of higher learning, earn higher wages and receive quality healthcare. The success of this nation depends upon the success of all its citizens.

Mr. Speaker, for their many contributions to our nation and culture, and for their unyielding drive to achieve the American dream, I ask my colleagues to join me in paying tribute to Hispanic Americans during Hispanic Heritage Month.
Mr. GEORGE MILLER of California. Mr. Speaker, my colleagues Mrs. TSAUCHER and Mr. THOMPSON of California and I rise today to recognize the tremendous contributions made to Napa and Solano Counties in California by Child Start, Inc. (CSI) as that organization celebrates its 40th anniversary. CSI is a single purpose child and family services agency that operates the Head Start program in this two-county region.

Head Start began in Napa County in 1965, and in 1986 its catchment area expanded to include neighboring Solano County. In 2000, CSI was formally incorporated as the legal entity overseeing the Head Start programs.

CSI strives to create partnerships with parents and public, private and corporate entities to promote social, economic and intellectual growth for families and to promote community change that values each child and family in their diversity and supports them with dignity, pride and compassion.

The Head Start programs in the two-county area serve over 1,000 children and their families. Their successful projects include central and home-based child development activities, children’s literacy projects, an early childhood education program and Early Head Start.

Early Head Start provides comprehensive services to pregnant women, infants and toddlers. The Therapeutic Child Care Center in Napa serves families in a center-based infant mental health model. Home-based services are provided in collaboration with Healthy Moms and Babies, Black Infant Health and Child Have, all very successful local programs.

In March 2005 the National Head Start Association recognized CSI as one of the top 40 outstanding Head Start programs in the United States and in August 2005 the California Head Start Association presented CSI with a Distinguished Program Award.

Mr. Speaker, CSI is an invaluable part of the social service network in Napa and Solano Counties and it is appropriate that we acknowledge CSI at this time for its many contributions to our communities.

PERSONAL EXPLANATION

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 15, 2005

Ms. HARMAN. Mr. Speaker, on Wednesday, September 14, 2005, I was unavoidably absent from the House of Representatives during rollover votes 468 and 469. Had I been present, I would have voted “no” on rollover vote 468 and “aye” on rollover vote 469.
other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increasingly more corporate than civic.

You will hear about Judge Roberts from several perspectives, but it is safe to assume that the questions and testimony about Roberts' views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corporations have on our democracy. An amorphous procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving the ability of the "wrongdoers" accountable in a court of law. "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice," said the famous jurist, Learned Hand.

Unfortunately, powerholders, corporations and other institutions which are supposed to be held accountable by the civil justice system, are striving to weaken, limit and override the province of juries and judges. Some companies, led by insurers, have used expensive and specially focused media to promote the view that civil juries are too costly and too unpredictable. This narrow and short-sighted perspective misrepresents the long-standing interests of our democracy and in particular the Seventh Amendment to our Constitution.

The civil jury system of the United States enshrines a fundamental precept: the justice: ordinary citizens applying their minds and values can and do reach decisions on the facts in cases that often involve powerful wrongdoers. This form of direct citizen participation in the administration of justice was deemed indispensable by this nation's founders and was considered non-negotiable in the American Revolution against King George III. But the civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterrence of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterioration of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of our primary reserve resources of the Constitution's founders and was considered non-negotiable in the American Revolution against King George III. The civil jury is more than a process toward bringing a grievance to resolution.
legal profession. Do you believe that those representing injured persons in product liability and medical malpractice cases are harming America?

15. How is your view of Bush v. Gore? Is the Supreme Court in its handling of that case a better arbiter of the meaning of the Constitution than Congress?

16. Do you believe that the Congress has been too involved in the affairs of the states? Is Congress the appropriate body to provide, for example, for the education of children, the treatment of the mentally ill, or the protection of the elderly?

17. Do you believe that some of the most important decisions made by the Supreme Court would be different if the Court were composed of justices who were not members of Congress?

18. Should the Supreme Court issue opinions that state clearly what the law is, or are we better off if the Court’s opinions are more obscure, or whether the Court should adopt a middle position?

19. Should Congress be allowed or encouraged to pass a bill of rights?

20. Do you agree that an amendment to the Constitution should allow Congress to limit the right of habeas corpus?

21. How long should Congress have to act on a bill before the President can veto it?

22. How is the presumption against preemption of state law to be understood?

23. Do you believe Congress should preempt state law in all instances where federal law is said to preempt state law?

24. Which of the following is the correct statement about the scope of federal jurisprudence:

- The presumption against preemption of state law applies only if there is an implicit preemption clause in the federal law?
- The presumption against preemption of state law applies if the law is an essential part of a comprehensive scheme of federal regulation?
- The presumption against preemption of state law is that federal law is considered inferior to state law?

25. What has been your reaction or views of the 11th Amendment?

26. Do you agree that the 11th Amendment should be interpreted narrowly to allow suits against states by citizens of other states?

27. Do you agree that the 11th Amendment should be interpreted narrowly to allow suits against states by citizens of other states?

28. In your view, is the Freedom of Information Act functioning properly at this time? If not, what are the major problems facing the Act?

29. In Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or in a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change in the party’s conduct, is entitled to attorney’s fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court’s Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application moribund?

30. What is the precedent effect of Bush v. Gore? In other words, what kinds of equal protection claims does Bush v. Gore control or apply to? After Bush v. Gore, may a political subdivision (state) hold an election use more than one type of voting methodology (paper ballots, standard machines, punch cards, etc.) knowing that the different error rates (whether through undercounts or overcounts or otherwise) are different from one methodology to another?

31. Is there a need to amend our open government laws to make the President subject to them in whole or in part? Would such amendments be constitutional?

32. Do you agree that if before the Supreme Court should be televised in the way C-SPAN televises Congressional deliberations?

33. In your view, is the freedom of speech functioning properly at this time? If not, what are the major problems facing the Act?

34. In Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or in a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change in the party’s conduct, is entitled to attorney’s fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court’s Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application moribund?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, “The Bush administration failed to “catalyze” a judgment, and applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand Buckhannon to every consumer and civil rights statute in every conceivable situation.” What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court’s Buckhannon decision? How do you define a catalyst? What would you define as “voluntary change in the party’s conduct” and the catalyst theory in the Buckhannon decision?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward re-laxing more of its opinions in “unpublished” form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the court?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case that is against his or her conscience (whether because he or she is a Christian and believes that abortion is immoral or because he or she is an agnostic)?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?
In the Holocaust, hide-and-seek was no game
(By Reilly Cappe)
Under glass in the new exhibit at the U.S. Holocaust Museum is a letter. It was written in 1943 by Eda Kunstler, a prisoner in Plaszow, Poland, the same forced-labor camp where Schindler's list saved a thousand lives. Eda was hoping to save just one life, her baby daughter's, when she wrote these words to a stranger:

"Dear madam,

'I beg you, you are a mother as well, save my child. God will reward you and I will pay you as well. Remember that the child has wealthy parents, and that if we survive you will have everything we promised. . . . Give her food and keep her clean. That is all that a child needs. My child is bathed every day at 8:30, is fed and then placed on her side and she will sleep until 5 or 6 AM. She is fed every three hours, a roll dipped in water, or a roll with butter and sugar, a lot of sugar. . . ."

She prayed her daughter, Anita, would survive. The little girl was born into the Krakow ghetto in late 1942, and so was already a miracle, a little bundle of life amid the canyons of death. Maybe there would be another miracle, Eda thought, and Anita would survive the ghetto's liquidation. Maybe her husband had been right. He was a rational man, the wealthy co-owner of a leather factory, and he told her that babies weren't useful to the Nazis, that the baby would be killed instantly, that the baby's only chance was in hiding. He told her all these things as he pried the little girl from her arms.

"I didn't want to give it," Eda says now, "but he took the baby."

He slipped the baby in a canvas sack, got in a taxi and headed for the gentile side of town, where a Catholic woman named Zofja Zendler waited. With a fake birth certificate, Zendler changed Anita's name to Anya and passed her off as her own. She even took her to church. Which was how it came to pass one Sunday in Krakow that a 3-month-old Jewish girl was baptized Catholic and therefore saved.

According to the museum, more than a million children were killed during the Holocaust, but tens of thousands were hidden during the war and thousands of those survived. Little Anita is now 60 years old. She's married, has two children of her own, and she cries when she looks at the letter, which is part of "Life in Shadows: Hidden Children and the Holocaust," scheduled to open to the public today. It's written carefully, in Polish. There are no water marks on it, even though her mother was crying as she wrote it.

"Each one of us that survived has a story," says Anita Epstein, a lobbyist in Washington. "It is very powerful. It's very strong for me. Too much. I have to do it in pieces."

The exhibit is almost entirely little pieces, small things that played a small part in some incredible stories. There's a sweater worn by an 8-year-old girl as she cowered in the sewers for more than a year. A wardrobe worn by an 8-year-old girl as she cowered in an attic in Amsterdam.

"In so many ways, the stories of children's experiences are powerful for everyone—for parents, for children, for the general visitor," says museum curator Steven Luckert. "It deals with so many different emotions: separation, fear, play, education, tough choices."

Flora Singer was 10 years old when the German tanks rolled into Belgium. Her cousin Nounou was just a baby. Singer was hidden in a secret apartment and in a convent by the legendary Father Bruno, who saved hundreds of children. But not Nounou.

"My mother begged my aunt to let Nounou be hidden, because Father Bruno was willing to hide him also," says Singer. She says her mother said to her aunt: "You can go, but at least let Nounou be hidden." My mother could not convince her to go to another place, or let Nounou go with Father Bruno.

"The next time my mother came to the apartment with food, maybe five, six days later, the Gestapo had a seal on the door, you know: 'Property of the Third Reich.' My mother ran in and grabbed the photos of the family."

One of those photos is displayed in the new exhibit. It's Singer and Nounou, her hands on his arms. They're all smiles. Singer lives in Montgomery County and volunteers at the museum, but life has never been as simple as it was the day that picture was taken.

"I am here, and [Nounou] is not, and I still can't believe it, even to this day. I say, 'How come I escaped?' It's an enormous feeling of guilt. She felt guilty in Plaszow, and in Auschwitz, and she thought of her daughter every single day in both places. And then she got to Bergen-Belsen, and she was too tired to think of anything at all.

Eda survived Bergen-Belsen, survived hunger, survived typhus, even as every member of her family, including her husband, perished. She lives in Queens now, 86 and all alone, but she remembers returning to Poland to look for her only living relative, her daughter.

She found her on a stoop in Katowice, eating a roll and frankfurter. There were 20 kids hanging around, but Eda could tell right away which girl was hers.

"I am your mother," she told her daughter.

"No, you are not my mother," Anita said.

"My mother is inside."

Eda cried, because she knew the letter had worked.

"Dear Madam, my husband and I are convinced and believe that you will save our wonderful child . . . be her mother and give her love, because I her mother cannot give her anything."
HIGHLIGHTS

Senate passed H.R. 2862, Commerce/Justice/Science Appropriations.
Senate passed H.R. 3768, Hurricane Katrina Tax Relief Act.

Chamber Action

Routine Proceedings, pages S10057–S10163

Measures Introduced: Eleven bills and six resolutions were introduced, as follows: S. 1706–1716, and S. Res. 239–244.

Measures Reported:

- S. 360, to amend the Coastal Zone Management Act, with an amendment in the nature of a substitute. (S. Rept. No. 109–109–137)

Measures Passed:

- **Hurricane Katrina Tax Relief Act**: Committee on Finance was discharged from further consideration of S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and the bill was then passed, after agreeing to the following amendment proposed thereto:
  - Grassley/Baucus Amendment No. 1722, in the nature of a substitute.

- A unanimous-consent agreement was reached providing that the bill be held at the desk.

- Subsequently, the passage of the bill was vitiated and ordered placed on the Senate Calendar.

- **Sportfishing and Recreational Boating Safety Amendments Act**: Senate passed H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, after agreeing to the following amendment proposed thereto:
  - Grassley (for Bond/Murray) Amendment No. 1723, to make technical corrections to Public Law 109–59.

- **Commerce/Justice/Science Appropriations**: By a vote of 91 yeas to 4 nays (Vote No. 235), Senate passed H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto:
  - Grassley Modified Amendment No. 1713, to provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002.
  - Shelby (for Kyl) Amendment No. 1719, to provide $5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs.
  - Shelby (for Baucus) Amendment No. 1720, to provide funds for economic adjustment and development to areas impacted by Hurricane Katrina.
  - Shelby (for Durbin/Coburn) Amendment No. 1721, to permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the Medicare, Medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate.
  - Shelby (for Inouye) Amendment No. 1716, to extend the provisions on an expiring provision of the Universal Service Antideficiency Temporary Suspension Act.
  - Shelby (for Kerry) Modified Amendment No. 1724, to reduce fees on loans to small businesses.
Shelby (for Reid) Amendment No. 1725, to provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services. Pages S10072

Rejected:
By 39 yeas to 60 nays (Vote No. 232), Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. Pages S10061–65

Withdrawn:
Kerry/Landrieu Amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and home owners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy. Pages S10071

Bingaman Amendment No. 1706, to provide funds for educational assistance to individuals and schools impacted by Hurricane Katrina. Pages S10060–61, S10071–72

During consideration of this measure today, Senate also took the following action:
Chair sustained a point of order that Kyl Amendment No. 1718, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, violates Rule XVI of the Standing Rules of the Senate, which constitutes general legislation on an appropriations bill, and therefore was ruled out of order. Pages S10059–60

By 43 yeas to 52 nays (Vote No. 234), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XVI, pursuant to notice previously given in writing, relative to Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. Subsequently, the Chair sustained the point of order that the amendment was in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell.

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Bond, Cochran, Mikulski, Inouye, Leahy, Kohl, Murray, Harkin, Dorgan, and Byrd. Pages S10073

Hurricane Katrina Tax Relief Act: Senate passed H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina, after agreeing to the following amendment proposed thereto:

Frist (for Grassley/Baucus) Amendment No. 1728, in the nature of a substitute.

Supporting the Pledge of Allegiance: Senate agreed to S. Res. 243, expressing support for the Pledge of Allegiance. Pages S10147

Supporting the Pledge of Allegiance: Senate agreed to S. Res. 244, expressing support for the Pledge of Allegiance. Pages S10148

Pell Grant Hurricane and Disaster Relief Act: Senate passed H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster, clearing the measure for the President. Pages S10149

Student Grant Hurricane and Disaster Relief Act: Senate passed H.R. 3668, to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster, clearing the measure for the President. Pages S10149

TANF Emergency Response and Recovery Act: Senate passed H.R. 3672, to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families, clearing the measure for the President. Pages S10149–50

Recognizing American Academy of Pediatrics 75th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 204, recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization, and the resolution was then agreed to. Pages S10150

Opposing Anti-Semitism: Senate agreed to S. Res. 240, expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States. Pages S10150–51

Leukemia, Lymphoma, and Myeloma Awareness Month: Senate agreed to S. Res. 241, designating September 2005, as “Leukemia, Lymphoma, and Myeloma Awareness Month”; Pages S10151

Agriculture Appropriations: Senate began consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, agreeing to the committee amendment in the nature of a substitute,
which will be considered as original text for the purpose of further amendment, and taking action on the following amendment proposed thereto:

Pending:
Bennett/Kohl Amendment No. 1726, to amend the Rural Electrification Act of 1936.

A unanimous-consent agreement was reached providing for consideration of the bill at 3 p.m. on Monday, September 19, 2005.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the recommendations of the Defense Base Closure and Realignment Commission; which was referred to the Committee on Armed Services. (PM–22)

Nominations Received: Senate received the following nominations:
Michael R. Arietti, of Connecticut, to be Ambassador to the Republic of Rwanda.
Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the Rank of Ambassador.
Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.
Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.
2 Air Force nominations in the rank of general.
Routine lists in the Air Force, Army, Coast Guard, Navy.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Measures Read First Time:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: Five record votes were taken today. (Total—235)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:39 p.m., on Monday, September 19, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S10155.)
CONGRESSIONAL RECORD — DAILY DIGEST

D923

September 15, 2005

NOMINATIONS:
Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Stewart A. Baker, of Virginia, who was introduced by Senator McCain and former Senator Robb, and Julie L. Myers, of Kansas, who was introduced by Senator Roberts, each to be an Assistant Secretary of Homeland Security, after the nominees testified and answered questions in their own behalf.

NOMINATION
Committee on the Judiciary: Committee concluded hearings on the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States Supreme Court, after the nominee further answered questions in his own behalf. Also, testimony was received from Representative John Lewis; Jennifer Cabranes Braceras and Peter Kirsanow, each a Commissioner, U.S. Commission on Civil Rights; Dick Thornburgh, former Attorney General of the United States; Carol M. Browner, former Administrator, Environmental Protection Agency; John Engler, former Michigan Governor, Lansing; Bruce Botelho, former Alaska Attorney General, Juneau; Judge Nathaniel Jones, U.S. Circuit Court of Appeals to the Sixth Circuit (Retired); Judge Denise Lindberg, Third District of the Utah State Court, Salt Lake City; Stephen L. Tober, Portsmouth, New Hampshire; Tom Hayward, Chicago, Illinois, and Pamela A. Bresnahan, Washington, D.C., all on behalf of the American Bar Association; Reginald M. Turner, Jr., National Bar Association, Detroit, Michigan; Wade Henderson, Leadership Conference on Civil Rights; Maureen E. Mahoney, Latham & Watkins, Catherine E. Stetson, Hogan & Hartson, Marcia Greenberger, National Women’s Law Center, Peter B. Edelman, Georgetown University Law Center, and Diana Furchtgott-Roth, Hudson Institute, all of Washington, D.C.; Kathryn Webb Bradley, Duke Law School, Durham, North Carolina; Charles Fried, Harvard Law School, Cambridge, Massachusetts; Patricia L. Bellia, Notre Dame Law School, South Bend, Indiana; Judith Resnik, Yale Law School, New Haven, Connecticut; Christopher S. Yoo, Vanderbilt University Law School, Nashville, Tennessee; David Strauss, University of Chicago Law School, and Susan Thistlethwaite, Chicago Theological Seminary, both of Chicago, Illinois; Robert Reich, Brandeis University, Waltham, Massachusetts; Anne Marie Tallman, Mexican American Legal Defense and Education Fund, Los Angeles, California; Rabbi Dale Polakoff, Rabbinical Council of America, Great Neck, New York; Karen Pearl, Planned Parenthood Federation of America, New York, New York; Henrietta Wright, Dallas, Texas, on behalf of the Dallas Children’s Advocacy Center; Roderick Jackson, Ensley High School, Birmingham, Alabama; and Beverly Jones, Lafayette, Tennessee.

BUSINESS MEETING
Committee on Veterans Affairs: Committee ordered favorably reported the following bills:

S. 1182, to amend title 38, United States Code, to improve health care for veterans, with an amendment in the nature of a substitute, (as approved by the Committee, the substitute amendment incorporated related provisions of S. 1182, as introduced, and provisions of S. 1177, S. 1189, and S. 1190); and

S. 716, to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 35 public bills, H.R. 3784–3818; 5 private bills, H.R. 3819–3823; and 8 resolutions, H. Con. Res. 244–245; and H. Res. 444–449 were introduced.

Pages H8087–88

Additional Cosponsors: Page H8088

Reports Filed: There were no reports filed today.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Katrina Emergency Tax Relief Act of 2005: H.R. 3768, amended, to provide emergency tax relief for persons affected by Hurricane Katrina.

Pages H8014–22

A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina: The House passed H. Res. 437, to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

Pages H7965–H8014, H8022–31, H8056–57
H. Res. 439, the rule providing for consideration of the bill was agreed to by a recorded vote of 221 ayes to 193 noes, Roll No. 472, after agreeing to order the previous question by a yea-and-nay vote 222 yea to 193 nay, Roll No. 471. Pages H8013–14

Coast Guard and Maritime Transportation Act of 2005: The House passed H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard by a yea-and-nay vote of 415 yeas with none voting “nay”, Roll No. 474.

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, now printed in the bill shall be considered as an original bill for the purpose of amendment.

Agreed to:

LoBiondo amendment (No. 11 printed in the Congressional Record) that authorizes additional funding for operation and maintenance of the Coast Guard as a result of Hurricane Katrina and to add certain other sundry provisions; Pages H8036–45

Young of Alaska amendment (No. 13 printed in the Congressional Record) that will confirm the legality of allowing foreign workers to work on U.S.-flag vessels on international voyages to conduct various non-watchstanding functions. The amendment also requires these foreign personnel to possess a transportation security card, when required by 46 U.S.C. § 70105; Page H8045

Young of Alaska amendment (No. 15 printed in the Congressional Record) to include provisions regarding eligibility to participate in the Western Alaska Community Development Quota Program;

Young of Alaska amendment (No. 14 printed in the Congressional Record) that adjusts the Voluntary Three-Pie Cooperative Program implementing regulations in regard to quotas for crab fisheries of the Bering Sea and Aleutian Islands which was implemented under Public Law 108–199;

Souder amendment (No. 10 printed in the Congressional Record) which authorizes funding for the Bureau for International Narcotics and Law Enforcement Affairs (INL) to purchase or lease a maritime refueling vessel to support United States drug interdiction efforts in the Eastern Pacific maritime transit zone;

Fossella amendment (No. 4 printed in the Congressional Record) that requires ferries that carry 399 passengers or more to have voyage data recorders on board. It would also authorize funding for the program; and Pages H8046–47

Sanchez of California amendment, as modified (No. 2 printed in the Congressional Record) would have the Commandant of the Coast Guard review the adequacy of the strength of the active duty personnel to carry out all the Coast Guard’s missions. Page H8051

Rejected:

Markey amendment (No. 6 printed in the Congressional Record) that sought to require the Coast Guard to perform an assessment of the security and safety of all new or expanded Liquefied Natural Gas (LNG) terminals, and provides the Commandant of the Coast Guard with the power to block construction of new terminals or expansion of existing terminals based on security or safety concerns (by a recorded vote of 106 ayes to 316 noes, Roll No. 473).

Pages H8047–50, H8055

Withdrawn:

Oberstar amendment that was offered and subsequently withdrawn that sought to make technical and conforming changes;

Markey amendment (No. 7 printed in the Congressional Record) was offered and subsequently withdrawn that sought to require the Secretary of Homeland Security to reimburse port authorities, facility operators, and State and local agencies that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans; and

Pages H8052–53

Markey amendment (No. 9 printed in the Congressional Record) was offered and subsequently withdrawn that sought to provide that when the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the Area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future hurricane or other natural disaster or terrorist attack. It would also require the Coast Guard to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or in other sensitive areas that might have important economic or national security significance.

Pages H8053–55

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. Page H8057

H. Res. 440, the rule providing for consideration of the bill was agreed to by voice vote after agreeing to order the previous question without objection.

Pages H7963–65

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, September 19, and when the House adjourns on
Monday, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for Morning Hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 21.

Committee Elections: The House agreed to H. Res. 445, electing the following Members and Delegates to the following standing committees:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.
Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.
Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.
Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

Sense of Congress Welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005: The House agreed to H. Con. Res. 237, expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20.

Agreed to the Chabot amendment to the preamble of the measure.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

President Message: Read a message from the President wherein he transmitted to Congress the report containing the recommendations of the Defense Base Closure and Realignment Commission—referred to the Committee on Armed Services and ordered printed (H. Doc. 109–56).

Senate Message: Message received from the Senate today appears on pages H7961 and H8031.

Quorum Calls—Votes: Three yea-and-nay votes and 2 recorded votes developed during the proceedings of today and appear on pages H8013, H8014, H8055, H8056, and H8056–57. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:37 p.m.

Committee Meetings

NATIONAL ANIMAL IDENTIFICATION SYSTEMS

Committee on Agriculture: Held a hearing to review Canada and Australia's experience with implementing national animal identification systems. Testimony was heard from public witnesses.

ISSUANCE OF SUBPOENAS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations authorized the issuance of subpoenas duces tecum to the Jockeys' Guild and to Matrix Capital Associates, Inc.

KATRINA/EMERGENCY HOUSING

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled “Emergency Housing Needs in the Aftermath of Hurricane Katrina.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; COMMITTEE REPORT

Committee on Government Reform: Ordered reported the following measures: H. Con. Res. 59, Recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; H. Con. Res. 209, Supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; H.J. Res. 61, Supporting the goals and ideals of Gold Star Mothers Day; H.R. 2062, To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building;" H.R. 2413, To designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building;" H.R. 3439, To designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office;" H.R. 3440, To designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building;" H.R. 3667, To designate the facility of the United States Postal Service located at 200 South Barrington Street In Los Angeles, California, as the "Karl Malden Station;" H.R. 3703, To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building;" S. 1223, Information Technology for Health Care Quality Act; a Committee Report entitled "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records; H.R. 3508, amended, 2005 District of Columbia Omnibus Authorization Act; H.R. 3128, Clarification of Federal Employment Protections Act; H.R. 3767, To designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L.
Frazier Post Office Building;” H. Res. 429, Congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series.

**KATRINA LESSONS LEARNED**

**Committee on Government Reform:** Held a hearing entitled “Back to the Drawing Board: A First Look at Lessons Learned from Katrina.” Testimony was heard from the following officials of the State of California: Constance Perrett, Administrator, Office of Emergency Management, County of Los Angeles; and Ellis Stanley, General Manager, Emergency Preparedness Department, City of Los Angeles; Robert C. Bobb, City Administrator, District of Columbia; the following officials of the State of Florida: Tony Carper, Jr., Director, Emergency Management Agency, Broward County; and Chief Carlos Castillo, Director, Office of Emergency Management, Miami-Dade County; and public witnesses.

**MISCELLANEOUS MEASURES**

**Committee on International Relations:** Ordered reported the following measures: H. Con. Res. 195, amended, Commemorating the Armenian Genocide of 1915–1923, urging the Government of the Republic of Turkey to acknowledge the culpability of its predecessor state, the Ottoman Empire, for the Armenian Genocide and engage in rapprochement with the Republic of Armenia and the Armenian people, and supporting the accession of Turkey to the European Union if Turkey meets certain criteria; H. Res. 316, Affirmation of the United States Record on the Armenian Genocide Resolution; and H.R. 1973, amended, Water for the Poor Act of 2005.

The Committee approved a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H.R. 1409, amended, Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005; H.R. 3184, To ensure that countries that have signed a Small Quantities Protocol also sign, ratify, and implement the Additional Protocol and provide access by IAEA inspectors to their nuclear-related facilities and to direct the United States Permanent Representative to the IAEA to make every effort to rescind and eliminate the Small Quantities Protocol and ensure compliance by all Member States of the IAEA with IAEA obligations and the purposes and principles of the Charter of the United Nations; H.R. 3269, To amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; H. Res. 38, amended, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); H. Res. 388, Expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba’s prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations; H. Res. 409, Condemning the Government of Zimbabwe’s “Operation Murumbatsvina” under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to “restore order” to the country; H. Con. Res. 237, amended, Expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; and H. Con. Res. 238, amended, Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979.

**PATENT ACT SUBSTITUTE**

**Committee on the Judiciary:** Subcommittee on Courts, the Internet, and Intellectual Property held a hearing entitled “An Amendment in the Nature of a Substitute to H.R. 2795, ‘The Patent Act of 2005.’” Testimony was heard from public witnesses.

**FOREIGN NATIONALS/ESPIONAGE**

**Committee on the Judiciary:** Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled “Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage,” Testimony was heard from Michelle Van Cleave, National Counterintelligence Executive, Office of the Director of National Intelligence; Maynard Anderson, former Deputy Under Secretary, Security Policy, Department of Defense; and public witnesses.

**CYBERSECURITY/PROTECTING CRITICAL INDUSTRIES**

**Committee on Science:** Held a hearing on Cybersecurity: How Can the Government Help Address Vulnerabilities in Critical Industries? Testimony was heard from Donald Purdy, Acting Director, National Cyber Security Division, Department of Homeland Security; and public witnesses.

**ENDANGERED SPECIES ACT IMPROVEMENTS**

**Committee on Small Business:** Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled “The Need for Improvements and More
Incentives in the Endangered Species Act.” Testimony was heard from Representative Pombo; Mike Wells, Chief of Water Resources, Department of Natural Resources, State of Missouri; and public witnesses.

BRIEFING—INSPECTOR GENERAL’S 9/11 ACCOUNTABILITY REPORT

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Inspector General’s 9/11 Accountability Report. The Committee was briefed by departmental witnesses.

RESOLUTION—REQUESTING THE PRESIDENT FOR DOCUMENTS RELATING TO THE DISCLOSURE OF THE IDENTITY AND EMPLOYMENT OF VALERIE PLAME

Permanent Select Committee on Intelligence: Met in executive session and ordered adversely reported H. Res. 418, Requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame.

COMMITEE MEETINGS FOR FRIDAY, SEPTEMBER 16, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of September 19 through September 24, 2005

Senate Chamber

On Monday, at 3 p.m., Senate will resume consideration of H.R. 2744, Agriculture Appropriations.

During the balance of the week, Senate will consider any other cleared legislative and executive business, including any other appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: September 20, business meeting to mark up S. 1582, to reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of grain required or authorized to be inspected under such Act, 10 a.m., SR–328A.

September 21, Full Committee, to hold hearings to examine the status of the World Trade Organization negotiations on agriculture, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: September 20, to hold hearings to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, Terry Neese, of Oklahoma, to be Director of the Mint, and Patrick M. O’Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, all of Department of the Treasury, 10 a.m., SD–538.

September 22, Full Committee, to hold hearings to examine the financial services industry’s responsibilities and role in preventing identity theft and protecting sensitive financial information, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: September 20, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center, 2:30 p.m., SD–562.

September 21, Full Committee, to hold hearings to examine energy prices, 9:30 a.m., SD–562.

September 21, Full Committee, to hold hearings to examine energy prices, 2 p.m., SD–562.

September 22, Full Committee, to hold hearings to examine communications in disaster, 10 a.m., SD–562.

Committee on Energy and Natural Resources: September 20, to hold hearings to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions, 10 a.m., SD–366.

September 22, Subcommittee on National Parks, to hold hearings to examine S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware, 2:30 p.m., SD–366.

Committee on Environment and Public Works: September 21, Subcommittee on Fisheries, Wildlife, and Water, to
hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments, 9:30 a.m., SD–406.

September 22, Full Committee, to hold hearings to examine the nominations of George M. Gray, of Massachusetts, to be an Assistant Administrator, and Lyons Gray, of North Carolina, to be Chief Financial Officer, both of the Environmental Protection Agency, Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission, H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, Department of the Interior, and Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development, 2:30 p.m., SD–406.

Committee on Foreign Relations: September 19, to hold hearings to examine the nominations of C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, Francis Rooney, of Florida, to be Ambassador to the Holy See, and Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal, 2:30 p.m., SD–419.

September 20, Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine China’s role in Latin America, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 22, Subcommittee on Education and Early Childhood Development, to hold hearings to examine Hurricane Katrina’s displaced school children, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: September 21, to hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks, 10 a.m., SD–342.

September 22, Full Committee, to resume hearings to examine issues relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow, 10 a.m., SD–342.

September 22, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine cost and payment plans for the Medicare Modernization Act and if the new legislation will meet the needs of seniors, 2:30 p.m., SD–342.

Committee on Indian Affairs: September 21, to hold an oversight hearing to examine Indian gaming, 9:30 a.m., SR–385.

Committee on the Judiciary: September 20, to hold hearings to examine the taking of homes and other private property relating to the Kelo Decision, 10 a.m., SD–226.

September 21, Full Committee, to hold hearings to examine able danger and intelligence information sharing, 9:30 a.m., SD–226.

Committee on Small Business and Entrepreneurship: September 21, to hold hearings to examine the impact of Hurricane Katrina on small businesses, 10 a.m., SR–428A.

Committee on Veterans’ Affairs: September 20, to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.

House Committees

Committee on Armed Services, September 20, to mark up H. Res. 417, Directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame, 7 p.m., 2118 Rayburn.

September 21, Threat Panel, hearing on threats in Latin America, 10 a.m., 2118 Rayburn.

September 22, Threat Panel, hearing on threats in Eurasia, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, September 21, Subcommittee on Energy and Air Quality, hearing entitled “An Update on the California Electricity System and Markets,” 1 p.m., 2322 Rayburn.

Committee on Government Reform, September 21, Subcommittee on Government Management, Finance, and Accountability, hearing entitled “Implementing Cost Accounting at the Department of Veterans Affairs and the Department of Labor,” 2 p.m., 2247 Rayburn.

Committee on House Administration, September 22, hearing entitled “Political Speech on the Internet: Should It Be Regulated?” 9 a.m., 1310 Longworth.

Committee on International Relations, September 21, Subcommittee on Asia and the Pacific, hearing on The United States and Southeast Asia: Developments, Trends, and Policy Choices, 11:30 a.m., 2172 Rayburn.


Committee on the Judiciary, September 22, Subcommittee on the Constitution, oversight hearing entitled “The Supreme Court’s Kelo Decision and Potential Congressional Responses,” 11 a.m., 2141 Rayburn.

September 22, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing entitled “Reducing Peer-To-Peer Piracy (P2P) on University Campuses: A Progress Update,” 9 a.m., 2141 Rayburn.

Committee on Resources, September 21, hearing on the Threatened and Endangered Species Recovery Act of 2005, 10 a.m., 1324 Longworth.

September 23, Subcommittee on Fisheries and Oceans, hearing on the following bills: S. 260, and H.R. 2018, Partners for Fish and Wildlife Act, 10 a.m., 1324 Longworth.

Committee on Science, September 21, hearing on NOAA Hurricane Forecasting, 10 a.m., 2318 Rayburn.

Committee on Small Business, September 21, hearing entitled “Reforming the Tax Code to Assist Small Businesses,” 2 p.m., 2360 Rayburn.

September 22, Subcommittee on Regulatory Reform and Oversight, hearing entitled “Entrepreneur Soldiers Empowerment Act (ESEA),” 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 21, Subcommittee on Railroads, oversight hearing on Amtrak Reform Proposals, 10 a.m., 2167 Rayburn.
Joint Meetings

*Joint Meetings:* September 20, Senate Committee on Veterans’ Affairs, to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.
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