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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 3, 2005, at 4 p.m.

Senate

FRIDAY, SEPTEMBER 30, 2005

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 God, most holy, we pause at the start of our labors to praise Your name. You have provided for our needs and pleasure. You have placed us amid plenty and beauty. You have given us the majesty of the sunrise and strength for today's journey.

We find our true meaning in You. Because of You, we live, and move, and love. Your mercies are new each morning; great is Your faithfulness.

Bless our Senators in their work. Empower them to give themselves to others in a way that will honor Your name. We offer this day to You and, standing on tiptoe, listen for the whisper of Your wisdom.

We pray in Your holy 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, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is the last day of the fiscal year, and it will be necessary for us to consider the continuing resolution, which is at the desk. This continuing resolution is a short-term measure that will keep all functions of Government operating while we continue to work on the remaining appropriations measures.

I hope we can act expeditiously on the joint resolution, which is at the desk. I understand there may be an amendment from the other side of the aisle, and I ask Members to show restraint. We need to pass this resolution without amendment so it can get to the President for his signature by midnight tonight. If an amendment is offered, I would expect we would vote quickly on that amendment so we can then proceed to vote on the underlying continuing resolution. Members can expect a vote this morning as we complete our work on this funding measure.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that at 9:45 the Senate turn to the

consideration of H.J. Res. 68, the continuing resolution, which is at the desk; provided further that one amendment be in order to be offered by Senator HARKIN and relating to CSBG, and that the time until 10:15 be equally divided in the usual form.

I further ask unanimous consent that at 10:15 the Senate vote in relation to the Harkin amendment, and that following that vote, the resolution be read a third time, and the Senate proceed to a vote on passage of the joint resolution, with no intervening action or debate.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Without objection, it is so ordered.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 68, which the clerk will report by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 68) making continuing appropriations for the Fiscal Year 2006, and for other purposes.

The PRESIDING OFFICER (Mr. THOMAS). The time between now and 10:15 will be equally divided in the usual form, with one amendment to be offered by the Senator from Iowa, Mr. HARKIN.

AMENDMENT NO. 1921

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

The PRESIDING OFFICER. The clerk will report.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KOHL, Mr. JEFFORDS, Mr. LEVIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. PRYOR, Mr. CARPER, and Ms. CANTWELL, proposes an amendment numbered 1921.

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

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

The amendment is as follows:

(Purpose: To continue funding for the Community Services Block Grant at no less than last year's level)

On page , at the appropriate place, insert the following:

SEC. Community Services Block Grant.

Notwithstanding section 101 of this joint resolution, amounts are provided for making payments under the "Community Services Block Grant Act" at a rate not less than the amounts made available for such Act in fiscal year 2005.

Mr. HARKIN. Mr. President, let me try to explain as briefly as I can what the House did. The House sent over to us a continuing resolution that says we will continue funding programs from last year at last year's level, or the lower of what the House had passed earlier in their budget. For most programs, that doesn't mean much.

This is a continuing resolution until when? November, November 18?

Most education money goes out next year. So for 2 months it doesn't mean it is a big deal. Two or three months—maybe through December when we will finally adjourn. However, there is one program that is deeply affected by what the House did. It is called the Community Services Block Grant Program. This money goes out quarterly. It is used quarterly. It means tomorrow the community services block grant will be cut 50 percent—not next year, tomorrow. In real dollars, this isn't some phony baloney stuff.

What is even worse—as I took the floor last night, I did not know this—in 1990, an amendment was put on and agreed to on the Community Services Block Grant Program. It is a trigger formula. It is a little bit complicated, but I will try to explain it.

It says if the total funding for a fiscal year exceeds \$345 million, each State shall receive not less than one-half of 1 percent of the total amount. It protects small States. OK? However, if the funding is less than \$345 million, then no State shall receive less than one-fourth of 1 percent.

Here is what the House did. Last year, it was \$336 million, and the House cut it back to \$320.6 million. That is the level it was at in 1986.

What does that mean for Alaska? Alaska is one of 13 States—small States—that will be cut 75 percent, not 50 percent.

Thirteen States—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont and Wyoming—are not cut 50 percent. The

total allocation for those States would fall from \$3,356,645 to less than \$800,000.

I say to those of you who are from those 13 States, if you believe the LIHEAP Program is important in your State, you ought to pay attention to this amendment. The LIHEAP Program in Alaska, Hawaii, North Dakota, South Dakota, Utah, Vermont, and Wyoming, for all intents and purposes, will cease next week—October, November, maybe December. So small States are hurt the worst.

You might ask, What is this Community Services Block Grant Program? What are we talking about here? Who does it serve? It serves the poorest of the poor; 6.5 million Americans, 2 million children, private food banks that rely on the space, refrigerators, and transportation supported by the community services block grant and the Low Income Home Energy Assistance Program will be affected. Housing, weatherization assistance, emergency shelter, rental assistance, the food stamp programs, home-delivered meals, emergency food banks, senior day care, senior centers, foster grandparents, Head Start Programs, parenting education, domestic violence programs—all of these. That is who is served—the poorest of the poor in our country. That is who is going to be affected.

These are the programs that will be cut 50 percent, or 75 percent—not next year. This isn't phony stuff. This isn't, Oh, someone will take care of it.

Because of Hurricane Katrina, we have right now 171,000 people being served by community action agencies that get their money from the Community Services Block Grant Program. Not only do we have poverty up in America, but we have all of these people who were evacuees who are being helped. The mayor of Baton Rouge was here this week and came to see us about increasing the Community Services Block Grant Program to the community action agencies because of all of the evacuees. When they told him it was being cut by 50 percent, he couldn't believe it. He absolutely couldn't believe this was actually happening. One might say, Well, we will come back and fix it later on. Maybe we will. When? November? December? I don't know when. Think about October and think about November and early December or the end of December. People will be evicted from their homes. People will have utilities cut off. The elderly will still need transportation to the doctor, and it won't be there. It won't be there because this will be cut either 50 percent in most States or in the smaller States by 75 percent.

I refer my colleagues to two letters, one from the Ozark Community Action Agency and one from the East Missouri Community Action Agency, which were printed in the RECORD of yesterday.

I ask unanimous consent a letter from the National Governors Association be printed in the RECORD. It talks about CSBG, urging we keep it at the appropriated levels.

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

NATIONAL GOVERNORS ASSOCIATION,
June 7, 2005.

Hon. ARLEN SPECTER.,
Chairman, Subcommittee on Labor-HHS-Education, Senate Appropriations Committee, Washington, DC.

Hon. RALPH REGULA,
Chairman, Subcommittee on Labor-HHS-Education, House Appropriations Committee, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Subcommittee on Labor-HHS-Education, Senate Appropriations Committee, Washington, DC.

Hon. DAVID OBEY,
Ranking Member, Subcommittee on Labor-HHS-Education, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN SPECTER, SENATOR HARKIN, CHAIRMAN REGULA AND CONGRESSMAN OBEY: As you begin negotiations on the fiscal year (FY) 2006 Labor, Health and Human Services, and Education (Labor-HHS) appropriations legislation, we are writing to share with you the Governors' views on funding for key state programs. We appreciate that you will provide level or increased funding for many critical programs and urge you to continue to uphold the strong federal-state partnership with respect to these services. As you continue your deliberations, however, we ask for your attention to the following programs.

THE PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

We urge you to continue level funding for the Preventive Health and Health Services Block Grant at the FY 05 appropriated level of \$132 million. This is one of the few grants that allow states to address their own unique health challenges in exciting and innovative ways. States have documented that investment of Block Grant dollars have resulted in improved health outcomes and in many cases significant cost savings.

BIOTERRORISM PREPAREDNESS

Bioterrorism preparedness became a priority following September 11, 2001 and the subsequent anthrax attacks that killed several U.S. postal employees and others around the country. Following these incidents, the federal government provided funds to states for strengthening their public health systems and developing surge capacity at state and local public health facilities. The fiscal year 2006 budget proposal has reduced funding in this area. In addition, funds appropriated in fiscal year 2004 and 2005 have been redirected by the Health and Human Services Department to other departmental priorities. We urge you to continue level funding for bioterrorism preparedness and to reject any future efforts by HHS to redirect and/or reprogram already appropriated federal funds for other priorities.

COMMUNITY SERVICES BLOCK GRANT

Governors are concerned with the effects that the proposed integration of the Community Services Block Grant (CSBG) with 17 other federal programs into a new community development initiative will have on the funding of CSBG. We are strongly opposed to any cuts in the funding of CSBG, which supports a broad range of federal, state, local, public and private endeavors aimed at reducing the causes and effects of poverty. We urge you to provide level funding for CSBG at the FY 05 appropriated level of \$641 million.

IDEA

Governors are committed to improving the academic performance of students with disabilities. We appreciate the increased federal

funding for special education that Congress and the Administration have provided states and local schools the last several years. The recently reauthorized Individuals with Disabilities Education Act (IDEA) provided a glide path to achieve full funding of the federal share of IDEA, including an authorization of \$14.6 billion for fiscal year 2006. We urge Congress to provide the highest possible funding level for IDEA to stay the course and fully fund the federal share of special education expenses.

NCLB AND HIGH SCHOOL REFORM

Across the nation, governors are leading efforts to reform high schools and implement the No Child Left Behind Act (NCLB). Governors recommend the highest possible funding level—paired with continued flexibility—for Title I to ensure that states and localities have adequate federal resources to help successfully implement NCLB and raise student achievement. We also recommend that funding be maintained and increased for the critical programs that serve teachers, high school students, and students transitioning to postsecondary education, including the Carl D. Perkins Vocational and Technical Education Act and the newly proposed Teacher Incentive Fund. To this end, Congress should consider increasing the federal investment in the Pell Grant program to improve the purchasing power for all students, as long as program solvency is maintained.

Thank you for your consideration, and we look forward to working closely with you on these issues.

Sincerely,

Gov. JENNIFER GRANHOLM,
Chair, Health and Human Services Committee.

Gov. KATHLEEN SEBELIUS,
Chair, Education, Early Childhood and Workforce Committee.

Gov. HALEY BARBOUR
Vice Chair, Health and Human Services Committee.

Gov. TIM PAWLENTY,
Vice Chair, Education, Early Childhood and Workforce Committee.

Mr. HARKIN. I received this morning an article from the Salt Lake Tribune: Utah poor will suffer from U.S. budget cut.

Utah's nine Community Action Programs stand to lose almost half a million over the next three months under a temporary budget approved by the U.S. Congress . . .

The 50 percent cut . . . that fund the programs nationally is temporary; lawmakers could restore the money when they approve the final budget, possibly in December or January. Or they might not.

In Utah, the losses that take effect Saturday are already forcing layoffs, a scaled-back food and pantry operating hours and the suspension of meal deliveries to thousands of families in crisis.

Cathy Hoskins, director of the state's largest Community Action Program, located in Salt Lake city, said they stand to lose \$250,000, which translates to 6,000 orders of three-day food supplies for 4,500 households.

She has laid off six workers and reduced by a fourth the number of hours that advocates can devote to helping families navigate Medicaid, welfare and other social service programs.

Continuing:

"It hurts," said Road Home director Matt Minkevich, whose agency could lose \$37,000. "That's the equivalent of about two front-line staff or 3,000 shelter nights."

This is the time of the year temperatures are starting to drop. Food pantries are running low, and people need help.

Katrina hit. We now see there are a lot of poor people in this country, a lot of people that are at the end of their rope.

One might say: What the heck. It is just 2 or 3 months. Put yourself in the position of a low-income family who has just been evicted. They cannot pay their rent. They are out. They need some help in finding a place to live. Where do they go? They go to their community action centers. They go to East Ozark or they go to East Missouri to get that help. Now they are told, We can't, we do not have the people, we do not have the funds. Maybe they need some money to tide them over for a few days to find some shelter. Sorry, the money is not there.

One may think this does not happen in America. Think about New Orleans. Think about the poor who were caught who did not have cars, did not have transportation, did not have bank accounts, did not have any hope or any way of getting out. There are a lot of Americans out there who do not live like we do, who do not have nice homes. We just go in and turn up the thermostat whenever we want to or go down to the local Safeway and pull out our credit card and buy groceries or go down to the local doctor and our insurance picks up the tab.

We are talking about 6.5 million Americans served by these programs. We are talking about the poorest of the poor.

Let me give some more examples of what community service block grants do: Transportation for the elderly to medical appointments at community health centers, in-home chore services for the homebound elderly, congregate meals, child care, domestic violence programs, energy assistance, weatherization, emergency shelter, rental assistance, homeless assistance, eviction prevention, transitional housing, and I mentioned the all-important Low-Income Heating Energy Assistance Program.

This is what this money goes for. We are being told now we have to go back to 1986 levels. By doing that, because of the formula in the law, 13 States that I mentioned—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming—13 States will lose over 75 percent of their money—not next year, tomorrow.

It is not, well, hang on, continue your programs, continue doing things, we will get the money to you starting in January when we finally get our budget figured out here. I am sorry, people need food now. They need shelter assistance now. They need to pay their heating bills now. They need transportation to the doctor now. They cannot wait until January to have someone pick up the tab. They do not have credit cards. They do not have bank accounts. They do not have someone who says we will give you the money and you can pay us back later. They do not have that opportunity.

Let me repeat for the sake of emphasis who we are affecting with this. Who are these people? Community service block grants serve 22 percent of all people in poverty. So one out of every five individuals in America below the poverty level is served by CSBG. They do not serve more because we do not fund more. But now we are going to cut it below that, more than 15 million individuals, members of 6 million low-income families. There were 2.7 million families with incomes at or below the poverty guidelines, 1.1 million with incomes below 50 percent of the poverty guidelines. Think of that, 1.1 million families affected by what the House of Representatives did if we do not correct it; 1.1 million families had incomes below 50 percent of the poverty guidelines. That is below \$7,000 a year. It is 3.7 million children, 1.8 million adults who have not completed high school, 1.1 million people who are disabled served by community services block grants. That is who we are talking about. We are not talking about people like us who have all this money. We are talking about the poorest of the poor.

I will repeat again that 13 States, because of a formula in the law, will have a 75-percent cut tomorrow: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming. Tomorrow there will be a 75-percent cut in the community block grants that go to Wyoming. But it will be more because there is a set-aside for tribes. I am sure the LIHEAP program is as important in Wyoming as in Iowa and it is getting cold in October and November.

What the House did is thoughtless, heartless. It is cruel and totally irresponsible. That does not mean we have to be thoughtless and heartless and irresponsible. We can adopt this amendment, get it back up to last year's level as a continuing resolution ought to do. We do not add any money. We just keep it at last year's level. The House can come back and correct this mistake today.

Well, you say that is a burden on the House; the Members have probably caught their planes and gone home. I remember when the House came back on Palm Sunday to pass a resolution on the Terri Schiavo case. If they can do that, they can come back and correct this. They can come back today and say we are not going to leave 6.5 million Americans dependent on LIHEAP programs, people who will be evicted, we will not leave them in the dust.

Think about what we are doing. Think about this. Think about next month. A low-income family, a mother with two or three kids who have been in an apartment, and they have not paid their rent because they ran out of money. Maybe they had an illness. They had to pay out of pocket. So they are evicted. Where do they go?

Don't tell me that doesn't happen. We saw what happens in New Orleans.

We know now the poor are not out of sight and out of mind any longer. They are here. What happens? How uncomfortable will it be for that family? What kind of discomfort will they suffer?

What about an elderly person whose utilities have been turned off?

The PRESIDING OFFICER (Mr. ISAKSON). The time of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for at least 3 more minutes to finish.

Mr. STEVENS. I will not object, but I would like to have some time on our side.

Mr. HARKIN. I don't care. If I can just get 5 minutes, I will end.

Mr. STEVENS. The Senator has already had 20 minutes. The time was equally divided?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I was told last night, I say to my friend from Alaska, that I had a half hour. I came in this morning and found out I only have 15 minutes. I don't know who made that agreement. It was done without my knowledge.

Mr. STEVENS. I have no objection if the Senator has 4 more minutes, but I would like the time until 10 o'clock.

Mr. THOMAS. The time is at 10 o'clock.

Mr. STEVENS. I am happy—

Mr. THOMAS. There is an objection. As a Member, I object.

Mr. STEVENS. I am happy to yield to the Senator 4 minutes of our time, if he wishes.

Mr. HARKIN. I will take 3 minutes.

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

Mr. HARKIN. I thank the Senator from Alaska.

Look, we may make the House uncomfortable, but I plead with my colleagues, I plead with my colleagues, don't let this happen. Don't, in our haste to leave here and go home for the weekend, shrug our shoulders and say, well, someone will take care of it. Don't let our reticence or our reluctance to make the House come back and do what is right cause us to turn a deaf ear and a blind eye to the poorest in our country.

I plead with my colleagues, let's do the right thing. Let's adopt this amendment. The House can come back later today. They can fix it. They can make it right. It may be a little bit uncomfortable for them to get on an airplane and come back here, but think about the discomfort of the poor in our country, think about that elderly person who needs the LIHEAP program. Think about their uncomfortableness. They need us. Let's not turn our backs on them at this point in time.

Mr. STEVENS. Mr. President, as the Senator from Iowa knows, this Senator completely supports Community Service Block Grant Programs. We both serve on the Committee on Appropriations and serve on the subcommittee that deals with this issue.

I tell the Senate, on these community service block grants, for every dollar that the Federal Government puts up, more than \$2 comes from outside sources. They are not matching funds. They put them up. They supply them. This reduction in the House bill was done to sort of have leverage over our committee in conference.

The Senate bill which is carried by the distinguished Senator from Pennsylvania already has the full amount of the request in it. All we have to do is get that bill to conference, but it has not been possible thus far. But when this continuing resolution takes effect, there will be allocated to the States the money they need.

Beyond that, FEMA has all sorts of money right now to assist the people who are involved in the hurricane areas. There is no reason to think anyone is going to be shut off in the disaster area from the community block grant concept because FEMA will provide money to this agency if they are short of money in this period ahead of us because of the delay in getting the Health and Human Services bill passed by the Congress and sent to the President.

But what happens if the Senator's amendment passes? We come to a halt tonight. We have already reprogrammed money to the Department of Defense from 2005 moneys in order to carry them over until they get the money from the Defense bill, when and if it is passed.

We know we are in a period of delay because of a lot of things, because of the two major disasters, because of the delay we have had in terms of being able to confirm the nomination of the Chief Justice. There has been a lot of delay this year, and we are late. It is not something new. We have been late before and had continuing resolutions.

This matter the Senator has brought up will not lead to people being denied assistance because the States can advance their money for this period of 6 weeks, and it will be repaid when we pass the bill. The Senate will hold the money for the Community Services Block Grants. We always have. It is one of the things we have negotiated with the House almost every year. The Senator knows this. We go to conference almost every year, and the House has reduced this item. It is sort of a little leverage in terms of negotiation with the Senator from Iowa, the Senator from Pennsylvania, both of whom have done an excellent job with Community Services Block Grants.

As I said, I support it. The chairman of the committee supports it. We support the Community Services Block Grant Program. It will be fully funded. It has been fully funded in the bill that is before the Senate. To delay this bill now and delay funding for everyone else because there is a little glitch here that it could—it could—be read to be something that is taking money, as a practical matter, it carries the same language that was in the continuing

resolution before when the minority was in the majority. This is exactly what happened before. It is the same thing.

And it is a continuing resolution that has to be passed. If it is not to the President by tonight, funding stops for everybody, not just a slight glitch in the Community Services Block Grant. I do not like to see people out there who really depend upon the Federal Government for assistance being told somehow or other they are going to be denied money. The money that comes from the Federal Government is less than a third of the money they get.

So we have a possibility of a slight delay in Federal money getting to them, but during that period, the non-Federal money, both from States and private sources, will meet the need. Beyond that, FEMA has money. We all know we gave them a tremendous amount of money to deal with those who are in the disaster areas.

So I say to my friend from Iowa, this is wrong. This is wrong. We will resolve this difference with the House. We have never before abandoned Community Service Block Grants in the Senate. I do not care which party has been in charge over the Senate, we have supported this program. And we will. But to threaten these people, to make it sound as though somehow or other they are going to put them out on the street and they are not going to get any assistance, that is wrong.

I tell the Senate, if we do not pass this bill without amendment, not only will the House be back here, we will be back here for days wrangling over what to do because we cannot get the House back by midnight. We go into that period of all the slush that comes after the funding runs out. And it is not an easy sight.

We all remember the time it happened once before when the Government did shut down because of a dispute between the House and the Senate. It was resolved out at Andrews Air Force Base about 9 days later, as I recall.

Now, at this time, after these two disasters, is no time to put a question on the availability of the funds for every agency. If the Senator's amendment is adopted, every agency is going to have to say: What do we do? We can't spend any money from the 2006 account. They will not have this continuing resolution, a lot of them, to spend from 2005 levels.

This is chaos. We do not deserve chaos in this country after the two disasters we have just come through. I say to the Senate, it is absolutely wrong to try to stop this continuing resolution this year. We have troops in the field. As I said, those of us on the Defense Appropriations Committee have, this last week, approved about seven different reprogrammings to make sure funds are available tomorrow morning for those people who need them who are deployed overseas. So to stop these funds, to stop this bill, would stop everything tonight.

Now, again—and the Senator has mentioned my State—my State is one of the States that needs funding of this kind. There is no question that if there is a hiatus of having Federal funds, the State is going to have to step forward and put some of their money up first. But they know we will restore this money. By the time the 2006 bill is signed, it will say that starting for October 1, they will get this money they should have had.

I tell the Senator from Iowa, there is just—

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. STEVENS. Mr. President, I will yield right now to the chairman of the committee.

Mr. SPECTER. When the Senator from Alaska comments that the States can put up some money so there would be no shortfall in the interim until November 18, what assurances are there that that could happen, that they have the funds and the disposition to do so?

Mr. STEVENS. Well, I say to the Senator, I know my State. My State is not going to let those people suffer because there is a temporary hiatus in Federal funding. The checks will go out from the State. The State provides the checks. I cannot imagine that would happen.

Beyond that, FEMA is there. If this agency does not have the money to meet the needs in the area of the two disasters, FEMA can step forward and give them money. And it is already doing that. That is my information.

Mr. SPECTER. Mr. President, would the Senator from Alaska permit me to ask the same question to the Senator from Iowa? If I may have the attention of the Senator from Iowa.

Mr. STEVENS. If the Senator wants the floor, I will be glad to yield the floor to him. But I hope the Senator from Pennsylvania is not going to support this amendment. If you do so, it means we will be in real trouble as far as our committee is concerned.

Mr. SPECTER. Well, I have no present intention of supporting the amendment. I would like to try to find a way to resolve the issue substantively. But it is not an infrequent occurrence that the House leaves town and leaves us with a gun at our head, where we have no practical alternative but to yield to the House, which is out of town, to run the Government.

But I am intrigued by what the Senator from Alaska has said. He is very experienced and has been here a long time. He knows the ins and outs of Government perhaps better than anyone. And when the Senator says the States will provide the shortfall in the interim, it is a brief period of time, or FEMA could step in, I would be interested in the comments—I have discussed this preliminarily with Senator HARKIN.

Mr. STEVENS. It is to October 18. That is what we are talking about.

Mr. SPECTER. I hear it is November 18. It is 6 weeks.

Mr. STEVENS. November 18? I apologize. That happens to be on my birthday.

Mr. SPECTER. Well, that ends the debate. Six weeks is a short time in the fiscal year the way we function around here, but it could be a very long time for people who need money to keep their bodies and souls together.

Let me direct a question to Senator HARKIN.

The Senator from Alaska, having yielded the floor to me, how about Senator STEVENS' idea of the States making up the shortfall, on the assurances from the chairman of the Appropriations Committee and the President pro tempore and Senator HARKIN and myself—the ranking member and chairman of the subcommittee—that we will provide the additional funds when we go to conference so that any shortfall will be made up, that we will exercise our very best efforts and think we can be successful—we have some leverage, too, in conference—that the moneys will be paid in the interim and the shortfall will be made up?

Mr. STEVENS. Will the Senator yield for a question?

Mr. SPECTER. Sure.

Mr. STEVENS. Will you amend that question by saying we will provide in the bill that the States will be repaid for what they advance?

Mr. SPECTER. I will amend my statement to that effect.

The PRESIDING OFFICER. The Senator from Alaska has yielded to the Senator from Pennsylvania. However, the Senator from Pennsylvania may not yield to the Senator from Iowa. The Senator from Iowa can ask for recognition.

Mr. STEVENS. I yielded the floor, Mr. President.

Mr. SPECTER. We can work that out, Mr. President. I yield to the Senator from Iowa. I yield the floor so he can have the floor.

Mr. HARKIN. Will you ask the question again?

The PRESIDING OFFICER. Does the Senator from Iowa seek recognition?

Mr. HARKIN. Will the Senator please ask the question again? Is the question about the States making up the difference?

The PRESIDING OFFICER. If everyone will suspend, the time is controlled by the Senator from Alaska. The Senator from Pennsylvania could not yield to the Senator from Iowa. However, subject to correction by the Parliamentarian, the Senator from Alaska may yield to the Senator from Iowa.

Mr. STEVENS. Mr. President, I yield time to the chairman of the committee. I was just occupying the position of the chairman until he sought recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, how much time is left on both sides of this issue?

The PRESIDING OFFICER. The majority has 4 minutes. The minority has none.

Mr. COCHRAN. Mr. President, I yield myself the remainder of the time allocated to the majority.

Do you know what this is, pure and simple? Shenanigans. Pure and simple, shenanigans. Now, the reporter may not know how to spell that, and I am not sure I could get it right, but it is not a serious effort to increase funding for anybody for anything. No matter what my good friend from Iowa has said about the intentions of this amendment, it is to force Senators to vote for a lower level of funding than he is proposing.

The problem is, the House is involved in this. We received this bill from the House. It is a continuing resolution to provide interim funding until we complete action on the next fiscal year bills for these programs.

You have heard the distinguished Senator from Pennsylvania, who is chairman of the subcommittee, who will help write that bill and manage the bill on the floor of the Senate. He is not going to reduce the levels of these programs, as the Senator from Iowa suggests will be done.

We will negotiate, in due course, in the regular order with the House, for appropriate levels of funding for the next fiscal year when we pass the next fiscal year bill. This is a temporary measure. It is not going to deprive anybody of funds they would otherwise get under the next year's bills.

The next fiscal year starts on October 1. Here we are at the end of the last fiscal year. This is shenanigans, purely and simply. The continuing resolution is not a new or innovative procedure to provide interim funding while the Congress completes actions on bills that may not yet be finally worked out between the conferees, between the House and Senate. It is often done. I do not recall there being any serious disadvantage to anyone under a continuing resolution. Any shortfalls that might occur as a result of the adoption of this continuing resolution can be made up when the regular fiscal year 2006 bill is finally agreed to by both Houses.

So I urge seriously the Senate to reject the amendment of the Senator from Iowa. It is not going to have the effect that he suggests because the House is not going to agree to it. The House has already passed the continuing resolution and set the level of funding on a temporary basis.

What is up to us now is: Are we going to provide continued funding for those programs that are identified in the continuing resolution? It is not just the programs the Senator from Iowa talks about. There are a lot of programs affected by this continuing resolution: national security issues, all kinds of other programs, nutrition programs for the poor. So what he would do, in effect, is deny them the funds that would be made available under the continuing resolution. That would be a mess.

If we want a mess on our hands and people hurting and deprived of funding

to which they are entitled under current law, at currently approved levels of funding by both Houses of Congress, vote for the amendment. That would create the real mess.

So I urge the Senate, Mr. President, to resist this amendment, vote it down. Then, let's adopt the continuing resolution and provide funding that is needed by all the agencies and Departments identified in the continuing resolution.

The PRESIDING OFFICER. All time is expired.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

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

NAYS—53

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

NOT VOTING—8

Biden	Gregg	Rockefeller
Byrd	Mikulski	Vitter
Corzine	Murray	

The amendment (No. 1921) was rejected.

Mr. KOHL. Mr. President, I joined my colleague, the Senator from Iowa,

in supporting the Community Services Block Grant, CSBG. The continuing resolution before the Senate contains the House-passed funding level for CSBG, \$320 million. This is a 50 percent cut from both the fiscal year 2005 level of funding and the Senate Appropriations Committee supported level.

CSBG funds can be used in a variety of ways to help low-income families make ends meet. I have heard from several agencies in Wisconsin who rely on this funding to provide a range of services, from job training to housing, to low-income families and individuals in their communities. These agencies have told me, in no uncertain terms, that a cut of this magnitude to CSBG would require them to cut actual programming aimed at reducing poverty for families and the elderly. This means a cut to programs such as the Skills Enhancement Project in Outagamie County, which provides skills training to low-income workers so that they may compete for higher paying jobs. Similarly, the Home Buyers Assistance Program, which aims to increase homeownership among low-income families, would have to narrow the number of families served if the CR was passed without additional funding for CSBG.

CSBG funding plays a similarly important role throughout my State. The West Central Wisconsin Community Action Agency, West CAP, which provides a range of supports for low-income families and individuals, relies on this funding to provide "hardship relief" programs, affordable housing, food pantry services and job training. West CAP has made it clear that this cut to CSBG couldn't come at a worse time, a time when they are seeing increases in the use of food pantries, steep increases in the pricing of basic needs, and dramatic increases in the costs of gasoline and home heating fuels, which particularly impact on low-income individuals.

That is why I am a cosponsor of the Harkin amendment to restore funding to CSBG. At a time when Katrina and Rita have focused our Nation's attention on the needs of low-income families, it is unconscionable that Congress would turn its back, by cutting CSBG. With this amendment we had a chance to set it right.

Mr. THUNE. Mr. President, today I voted in opposition to the Harkin amendment to H.J. Res. 68. I opposed this amendment not because of its substance, because I am strongly on the record supporting the Community Service Block Grant Program. I voted earlier this year for an amendment to the fiscal year 2006 budget resolution that would increase funding for a number of community development programs by a total of \$2.073 billion. This funding increase was for important programs such as community development block grants and community service block grants that give a helping hand to those who need it most and help get them back on their feet.

No, I did not oppose the amendment because of its substance. I opposed it because of its timing. We are here on the last day of the fiscal year, and the bill before us would provide stopgap funding for a majority of the Federal Government until we finish the appropriations process here in Congress. We cannot hold up this bill today to provide stopgap funding for the Federal Government. The House of Representatives passed this bill last night and has adjourned. If the President does not sign this bill before midnight tonight the Federal Government will shut down.

We cannot allow important programs and agencies of the Federal Government to go without funding—especially in this great time of need. Numerous Government agencies are working around the clock in emergency recovery efforts to assist those impacted by Hurricanes Katrina and Rita on the gulf coast.

The issue that the Senator from Iowa brought up is extremely important, and I am certain that the Senate will quickly restore funding to the level that allows the CSBG Program and other community development programs to operate effectively.

Last night the Democratic whip in the House of Representatives said it would be "unacceptable" to allow the Government to shutdown. I agree. Failing to pass this stopgap funding bill today without amendments would do just that. It would shutter the windows of many vital Federal Programs—including those programs deeply involved in hurricane recovery efforts, funding for our troops, and other essential programs. This is unacceptable indeed.

I know how important the CSBG and CDBG Programs are to my home State of South Dakota. I often discuss with my constituents how these programs impact the lives of many South Dakotans. I also realize how this current funding situation would impact our State. That is why I am determined to work with my colleagues at the appropriate time to restore funding. But we cannot shut down the rest of the Federal Government today at this critical hour.

Finally, I fear this is the kind of vote that the other side makes the Senate take up just for attempted political gain and for crass political motives. I fought a hard campaign last year, and I know first hand how votes can be twisted during an election year—when tension is high and there is little time for substantive explanations. I am making this statement today to set the record straight. Those on the other side may someday try to use this vote for their political advantage, but I resolved to make the responsible vote and keep our Government from facing a shutdown and resolving the funding issue on CSBG at the correct time.

Mr. BURNS. Mr. President, today I opposed the Harkin amendment No. 1921, on the Community Services Block Grant (CSBG) Program.

Most of us know the important role that the Community Service Block Grant Program plays in addressing the needs of folks on limited incomes in Montana and across this country. The programs it encompasses go a long way toward softening some of the conditions and addressing the causes of poverty. The range of services include everything from low-income energy assistance, nutrition and housing programs, Head Start education, and other vital services offered by community action agencies.

I strongly support the CSBG Program—I always have—and I will continue to support full funding of CSBG again in the fiscal year 2006 Senate Labor, Health and Human Services and Education appropriations bill. The Senate version of the bill funds CSBG at almost \$637 million, while the House of Representatives funded the program only at \$320 million. Earlier this year, I signed a letter to my colleagues on the Senate's Appropriations Subcommittee on the Departments of Labor, Health and Human Services, and Education, outlining my support for funding CSBG at \$650 million fiscal year 2006. All the Senate needs to do now is its work in passing the fiscal year 2006 Labor-HHS-Education appropriations bill and getting it to conference where this important program and the countless others' funding levels may be reconciled with the House bill.

I have no doubt the CSBG Program will be funded sufficiently this year, contrary to the benchmark the House of Representatives has set. Given that this situation will be resolved with the completion of the appropriation process, along with the fact that I do not believe we should hold up this continuing resolution and other important appropriation bills, such as the Defense bill which provides funding for our men and women in harm's way, or shut down the Government because of this amendment—for something I feel confident will be funded anyway. Voting for this amendment would have shut down the Government, thereby completely eliminating any of the funding mechanisms in place to continue helping those most in need. I was not willing to jeopardize their well-being.

Mr. KENNEDY. In the past five years, five million more citizens have fallen into poverty. Thirty-seven million Americans live below the poverty line. Three million more working Americans live in hunger or on the verge of hunger today than in the year 2000.

The long-term unemployment rate is at historic levels—1.4 million Americans are unemployed. Wages are stagnant throughout the United States, yet gas prices, housing costs, and heating oil costs are soaring. Families stay awake at night worrying how to make ends meet.

Many parents wonder how they will feed their children and pay their bills. It is shameful that in the richest and most powerful Nation on Earth, nearly

20 percent of all children go to bed hungry at night because their parents, even working full time, still can't make ends meet.

So how does the Republican leadership in Congress respond? By cutting one of the key programs intended to help these families and children through times of difficulty.

These cuts are even more incomprehensible when we see the needs of our fellow citizens who have lost everything in Hurricanes Katrina and Rita. The needs of the poor in America had already been ignored by the Bush administration. But those devastating storms have shone a bright new light on the unacceptable poverty that continues to plague our communities today. We all watched the heart-breaking scenes of countless low-income residents with no cars, struggling to escape the path of the hurricane, and then struggling again to escape the flood waters. These were real people in real poverty left largely on their own, fending for themselves.

American people expect their leaders to stand for fairness, freedom and opportunity. Those values are the cornerstone of the American dream. We believe that if you live right and work hard, you should be able to care for your family, afford rent in a safe neighborhood, and to send your children to college.

We also believe that when life deals you a setback, you can count on your neighbors to pitch in. If you lose your job or become seriously ill, we all want to help out. If you lose your home, your belongings, and your security from a natural disaster, it is some comfort to know at least that you haven't been deserted and that help is on the way. You deserve a chance to pick yourself up, dust yourself off, and start over again—to reclaim the American dream for yourself and your family. That's the American way, the American spirit.

The State agencies and the community action agencies funded by the community service block grant program know that spirit well. They fight poverty and encourage self-sufficiency in low-income communities every day. Their services include literacy, child health care, afterschool activities, low-income housing development, food stamps, and emergency shelter assistance—all building blocks for a better future for families facing misfortune.

Unfortunately, the administration and the House of Representatives have closed their eyes to the needs of the poor and to the important work of these community service agencies across the nation. This bill takes the unconscionable step of cutting funds for the community service block grant program in half—just at the time that these services are needed most.

At a time when poverty is increasing, and in the wake of the devastation of the hurricane, the House has decided to limit funds to the very agencies that came forward to help people least able to help themselves.

As Hurricane Katrina hit, Assistant Secretary for Children and Families Wade Horn acknowledged the unique role of the community-based agencies in disaster relief and called them to action in a memorandum of September. He said that community action grantees "particularly those in Alabama, Louisiana, Mississippi, Arkansas, Texas, Florida, Georgia and Tennessee [should] open [their] doors to those displaced families who have sought refuge in [their] community and seek new ways to support individuals, families and children impacted by this disaster."

These local agencies responded to that call by providing support and other help to those in need.

I recently heard of a community action agency in Georgia. A woman lost her home and her employment to Hurricane Katrina. She and her husband had evacuated New Orleans without their medication and little more than the clothes on their backs. The woman came to the Union County Community Resource Center. She and her husband were provided with food, vouchers for clothing at local thrift stores, and were referred to the local free clinic to obtain the prescriptions they needed to replace those that were lost. They were helped to find jobs through churches, organizations, and businesses. In fact, the woman was placed in a position within the same week.

In Arkansas, community service block grant funds helped a single mother and her four children move from a shelter into federally assisted permanent housing. Funding paid for the security deposit, a deposit with the electric company, and a new washer and dryer because there were no facilities in the building.

These actions are repeated every day thousands of times over to help people get back on their feet. According to the National Association of State Community Service Programs, community action agencies have assisted over 171,000 evacuees. Much of their time was volunteered. But the services and facilities they are using will draw from the funds allocated by the government. The services for new residents, even temporary ones, will change the community priorities already set for dwindling block grant resources. How can the administration encourage these agencies to do more while simultaneously cutting their funds?

Over the past 3 years, community service block grant funds have been eroding, and a lack of funds has impaired the ability of these agencies to reach out to the poor. If the community service block grant is cut in half, their services will be compromised even more, and the agencies will face a crisis of their own that will strain their reserves. Programs that depend on grant resources for support such as fuel assistance, the earned-income tax credit, Medicare outreach, and food pantries will be seriously hurt, and in some cases will be eliminated.

With rising home energy costs, a 50-percent cut in funding will jeopardize the LIHEAP program. October and November are especially busy months for the community action agencies that administer it. The program year begins October 1, and many agencies sign up the vast majority of LIHEAP participants right away. Most States get almost 90 percent of their annual allotment in the first quarter.

In 3 months, the loss to Massachusetts will be \$2 million. Half of the State's 4,000-person staff will face layoffs. Yet our State serves more than 400,000 persons, including many from the Gulf States.

According to Action Inc., a community action agency in Gloucester, MA, a temporary 50-percent cut in funds will result in the elimination of its housing and family legal services. Three hundred fifty very low-income local families who face housing problems will be at risk of homelessness.

The family law program will also be eliminated. Yet it helps 75 very low-income residents a year by providing legal assistance on issues such as divorce, custody, visitation and child support. Four hundred twenty-five families will not have the legal assistance that helps prevent evictions and solve critical family issues.

Action Inc. is only one example of the numerous agencies in Massachusetts and across the Nation facing layoffs and program cuts or even elimination because of the harsh cuts in continuing resolution.

It is wrong for the administration and the House of Representatives to shred America's safety net even further when so many Americans are already falling through it. We know how to mend it. All we lack is the will and the leadership to do it.

The community services block grant agencies have been fighting to alleviate poverty with great skill. It is time the Government stopped forcing them to do so against such heavy odds. The challenge is too critical for Americans to ignore any longer. We can no longer remain indifferent to the least of those among us.

Personal responsibility, community responsibility, government responsibility—they go hand in hand. When one of them breaks down, as it has now, we have to fix it. I am saddened by Congress's harsh treatment of those most in need. We should fully fund the community service block grant, not cut it in half.

It may be inconvenient for House Members to take a plane ride back to Washington to fix the problem they created, but it does not compare to the hardships millions of poor people face today and every day.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 68) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third

time, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 68) was passed.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Resumed

Mr. STEVENS. Mr. President, is the pending business the Defense appropriations bill?

The PRESIDING OFFICER. The pending business is H.R. 2863, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1922

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1922.

At the appropriate place in the bill insert the following:

SEC. . Notwithstanding Sec. 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108-477, through November 18, 2005.

Mr. STEVENS. Mr. President, this will ensure, once our Defense bill is passed, that this glitch in the community services block grants will be eliminated. I hope everyone understands that the sooner we get this bill to the President, the better off this program will be. In the meanwhile, this is assurance that the Senate stands behind the total figure that is in the Senate bill as reported out from the Senate today.

I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1922.

The amendment (No. 1922) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent that Senator GRASSLEY and my

colleague, Senator MURKOWSKI, be added as cosponsors of the amendment.

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

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, we have not been notified by any Senator that they wish to offer an amendment to the Defense bill today. It is my understanding later today there will be an agreement that all amendments in the first degree to this bill should be filed by 5 o'clock Monday.

Under the circumstances, since other Senators wish to speak on nongermane matters, unless there is someone who wants the floor right now to talk about defense—I am informed there may be an amendment.

MORNING BUSINESS

Mr. STEVENS. Mr. President, pending the arrival of the Senator who wishes to offer an amendment, I ask unanimous consent that there be a period for the transaction of morning business in order that the Senator from North Dakota can speak for 10 minutes.

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

The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN and Mr. WYDEN pertaining to the introduction of S. 1805 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STRATEGIC GASOLINE AND FUEL RESERVE ACT OF 2005

Mr. DURBIN. Mr. President, as of yesterday afternoon, nearly a quarter of this country's refinery capacity is offline.

Already feeling the impact of high prices at the gas pump prior to the two hurricanes, Americans are bracing for additional price increases as refinery operations remain shutdown in the gulf coast. Americans are also bracing for record high energy costs this winter.

While the administration has ordered the release of petroleum from the Strategic Petroleum Reserve, without refinery capacity, putting crude oil on the market does little to nothing to alleviate immediate supply constraints and high prices at pump.

What hurricanes Katrina and Rita taught is that we must be ready for a rainy day. That is why it is critical to our national and economic interests to build a gasoline reserve to keep the country moving forward in case of an emergency.

Witnessed by the ill-preparedness of the response in the wake of Hurricane Katrina, we must prepare now for the potential impact of future catastrophes.

Most importantly, as fuel supplies remain tight, we must prepare to alleviate the impact that another natural disaster, refinery fire, or pipeline explosion has on the Nation fuel supply and as a result our national economy.

Yesterday I introduced the Strategic Gasoline and Fuel Reserve Act of 2005.

The reserve would require the Department of Energy to hold and manage 40 million barrels of unleaded gasoline and 7.5 million barrels of jet fuel to be used in times of supply shortages—shortages that adversely impact the U.S. economy.

The Secretary is tasked with identifying at most five strategically significant regional locations for the fuel reserve. For instance, one could be located in the Northeast, one in the Midwest and one in the California.

Finally, the Secretary of Energy must establish procedures to release fuel from the reserve to those typically engaged in the sale of distribution of gasoline or jet fuel.

Hurricane Katrina forced about 1 million barrels of refined product offline. The reserve would provide 40 days' worth of gasoline supply based on the amount shutdown from Katrina—or almost 2 weeks worth of gasoline supply to fill the void of offline capacity caused by both Hurricane Rita and Katrina together.

Furthermore, the reserve would include 7.5 million barrels of jet fuel—enough to keep the fleet in operation for 40 days if faced with a disaster of the magnitude of Katrina.

We have witnessed three airlines enter into bankruptcy—partly because of increasing fuel costs. U.S. airlines pay an additional \$190 million in annual fuel costs for every penny increase in the price of a gallon of gas.

It is important to keep a viable stock of jet fuel available to ensure the seamless operation of one of America's important transportation fleets.

But, in total, consumers are the ones hardest hit by rising fuel costs.

A fuel reserve like the one in this legislation could provide a price buffer when pipelines or refinery outages occur, helping to mitigate price spikes that bite consumers in the pocketbook.

Consumer Federation of America has urged Congress to create a national fuel reserve. They recognize that American households who own and drive cars will consume 100 billion gallons of gasoline this year—costing them over \$200 billion at the pump. This represents a cost of nearly \$2,000 for each household with a car, and an increase of nearly \$600 a year in the past 4 years alone.

A study commissioned by the State of California concluded that a regional reserve, which is what would be created under this bill, could save consumers \$1 billion every time supplies were af-

fectured. With a nationwide reserve, that number is even higher.

As Democrats continue to push for a national policy of energy independence, a gasoline and jet fuel reserve is an important component of that debate.

I ask unanimous consent to have printed in the RECORD material in support of the bill.

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

SUPPORT FOR THE STRATEGIC GASOLINE AND FUEL RESERVE ACT OF 2005—SEPTEMBER 29, 2005

CONSUMER FEDERATION OF AMERICA

Mark Cooper, Director of Research, Consumer Federation of America (CFA), said about the Strategic Gasoline and Fuel Reserve Act of 2005, "Four years ago, at the first signs of trouble in the gasoline market, we called for a regional product reserve that would be used to not only ensure supply, but to dampen the wild roller coaster ride that has been afflicting the driving public. This legislation is a step in the right direction and hopefully marks the start of a broad re-orientation of energy policy toward policies that protect consumers from pricing abuse."

UNITED AIRLINES

Mark Anderson, Vice President, Government Affairs, United Airlines, said, "Senator Durbin understands that escalating fuel prices, driven in part by shortages in supply, have a negative impact on travel and economic stability for individuals and businesses throughout Illinois and the nation. This proposal, which will ensure that emergency supplies of refined products like gasoline and jet fuel are located at strategic locations across the country, will provide economic stability when it is most needed. We applaud Senator Durbin's efforts to address this issue of critical importance."

AMERICAN AIRLINES

According to Will Ris, Senior Vice President for Government Affairs for American Airlines, "the proposal of Senator Durbin to establish a reserve of refined oil products is a farsighted idea that should be implemented quickly. The hidden story of the current crisis is that the cost of refining crude oil has increased at a much more rapid rate than the price of crude itself. By creating a reserve of refined products, the fluctuation in the markets due to temporary refining shortages can be reduced substantially. We particularly applaud Senator Durbin's proposal to build reserves of jet fuel as well as gasoline. This shows a strong understanding of the importance of commercial aviation to the economy."

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 2863.

AMENDMENT NO. 1903

Mr. SALAZAR. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 1903.

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

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

The amendment is as follows:

(Purpose: To provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965)

On page 220, after line 25, insert the following:

SEC. 8116. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than \$1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

Mr. SALAZAR. Mr. President, amendment No. 1903, which I am working on with my colleagues to resolve, will provide impact aid funding to the children of the service personnel in Fort Carson, CO. It will restore \$1.2 million in needed educational impact aid funding to the El Paso County School District No. 8. The money for this amendment has already been appropriated within the Department of Education budget.

The El Paso School District educates the children of thousands of service men and women serving our Nation on the Fort Carson military base. Many of the loved ones of these students and staff of the El Paso County School District have been deployed to Iraq as part of Operation Iraqi Freedom. In fact, over 11,000 soldiers from Fort Carson are currently deployed in Iraq. That is one-half of Fort Carson's total force.

Due to a technical error, the Department of Education has denied the school district access to a \$1.2 million set-aside for that school district's program. The result is that school district may have to fire as many as 12 teachers and teachers' aides. This amendment simply permits the school to access the money already set aside for it.

I recognize this is not the traditional vehicle for this fix, but, frankly, given the stakes for the school district and the fact that the education of the children of the men and women from Fort Carson who are in Iraq is at stake, I believe we owe it to the families there to fix this problem, and to do it now.

I note, too, that I have discussed this issue with the HELP Committee.

Chairman ENZI and Ranking Member KENNEDY have graciously consented to the inclusion of this amendment on this bill. I have also been in close contact with the Armed Services Committee and with Senators—from Arizona and New Mexico—who face similar challenges. They all support this measure.

I will work closely with the managers of this bill to dispose of this amendment in the most efficient way.

And while I am here, Mr. President, I want to discuss four other amendments I have offered or will shortly offer to this bill. The amendments build on a good bill produced by Senators STEVENS and INOUE.

AMENDMENT NO. 1887

The first amendment—amendment No. 1887—would simply change the name of the so-called “death gratuity” to the less insulting and more appropriate name, the “fallen hero compensation.” The Senate has considered—and adopted—a version of this amendment before. Regrettably, it was dropped out in the conference on the fiscal year 2005 Iraq and Afghanistan emergency supplemental. I hope it stays in this time.

It fixes something in current law that I consider unfair. We currently call the assistance that taxpayers make available to military survivors a death gratuity. The term gratuity means gift, and I do not believe that any of the widows, widowers, or children left behind think of that money as a gift. I refuse the term death gratuity. Senate Amendment 1887 will change the term to fallen hero compensation, a term that more appropriately describes the sacrifice of these men for their country.

AMENDMENT NO. 1888

Senate amendment No. 1888, offered by Senators REED, LIEBERMAN and myself, mirrors an amendment Senators CHAMBLISS, LIEBERMAN, REED and I offered to the Defense authorization bill. I think we have agreement to get a modified version of this amendment added to the Defense authorization. Pending a clearer picture of the fate of that bill, I intend to protect my right to offer that amendment here.

This amendment will allow the Office of Special Events within the Department of Defense to provide more support to Paralympic competitions in the United States. This is a matter of basic fairness. The Pentagon currently supports Olympic and other international games. This amendment just makes it easier for the Pentagon to support such competitions. With so many of our men and women coming back from Iraq disabled, it is important we provide these Olympic opportunities.

AMENDMENT NO. 1900

Senate Amendment No. 1900 requires standards and accountability for Afghan security forces trained by the United States.

It passed by unanimous consent as part of the fiscal year 2005 Iraq and Af-

ghanistan emergency supplemental, but was dropped in the conference committee—not understandably—because it was deemed unnecessary. I could not disagree more with the assessment of my esteemed colleagues in the conference committee.

Press accounts in recent weeks indicate that our training efforts in Afghanistan have been even less successful than our efforts in Iraq. Earlier this month L/TG David Petraus, the top American trainer in Iraq, spent 5 days in Afghanistan to prepare a confidential assessment for the Pentagon. While I have not seen the results of the assessment, I can say without question that the decision to send General Petraus to Afghanistan was not an indication that the Pentagon believes things are progressing well there.

And a series of recent press stories—from Stars and Stripes to the New York Times—indicate that our soldiers deployed to Afghanistan are also concerned about the status of training there.

A sergeant with the 391st Engineer Battalion was quoted by Stars and Stripes as saying, in plain and simple language, “The Afghan National Army just isn’t where it needs to be yet.”

According to the New York Times, by September, the Afghan army had grown to about 26,000 troops and the Afghan police force to more than 50,000. In contrast, the Iraqi army and special police forces have 87,300 troops, and the Iraqi police force has about 104,300 officers.

The same article reports that until earlier this month, many Afghan police recruits were training with wooden rifles. That is not a misstatement. The force we expect to root out the world’s worst opium production and trafficking efforts has been training—until earlier this month—with wooden rifles.

Our commanding officer there, General Eikenberry, said this: “When you’re trying to put the pieces back together again, you need a lot of time and a lot of patience.” He is, of course, right. Ensuring that patience—particularly as we consider yet another \$50 billion supplemental for Iraq and Afghanistan—requires more information. We simply need more information about whether and how we are meeting our shared goal of an Afghan security force trained to a uniform standard.

Some of my colleagues have suggested that there are sufficient reporting requirements in place on our efforts in Afghanistan.

It is true that the Afghan Freedom and Support Act requires an update on our training effort there. But nowhere in that act or anywhere in existing reporting requirements is there a demand for clear reporting on the standards to which these forces are being trained, or any demand for clear accountability that the forces trained have met the standards we are demanding they meet.

This amendment will ensure that we have the same reporting requirements for Afghanistan as we already have for

Iraq. It will provide the accountability our taxpayers deserve and the success that our national security demands.

My last amendment, which I will introduce later today, is the result of a letter I received from one of my constituents. He is an Army specialist and is currently deployed to Iraq. He wrote to me because one of his friends was killed by an IED while sitting in the exposed gunner’s seat of a Humvee. His letter reads as follows:

Two days ago a good friend of mine was killed in action when an Improvised Explosive Device (IED) detonated next to his Humvee. He was sitting in the gunner seat and pulling rear security. I have seen automated guns that can go on the top of these same Humvees. These guns are controlled from inside the vehicle. Why are these guns not on every Humvee? I do not have the time or the resources over here to check, but if you were to look into it I believe you would be shocked at the percentage of KIA’s that were sitting in the gunner’s seat of Humvees since OIF 1 in 2003. All I do know is that the four people that were inside the vehicle were physically unharmed. If the answer is money, then I would really like to know how much my friend’s life was worth.

Since receiving that letter I have been in close contact with the Pentagon about the technology this young specialist is referring to. The Common Remotely Operated Weapons Station, known as CROWS, can move our soldiers out of the exposed gunner’s seat and inside the protective shell of an up-armored Humvee. Behind me is a picture of how the CROWS system works. The CROWS system sits on top of the Humvee, with the gunner operating the weapons system from inside. My friend’s friend who was killed could have been safe because he would have been inside the protective armor of the vehicle.

In a CROWS-equipped vehicle, the gunner controls a powerful weapons platform through a computer screen. The system can be mounted on a variety of platforms, and it gives a soldier the capability to acquire and engage targets while protected inside the vehicle—out of range of enemy fire or IED attacks.

Right now we have a few of these systems deployed in Iraq, and I am told that our soldiers “hot seat” them, which means that when one of these Humvees comes back from a patrol or an escort mission, another group of soldiers takes the vehicle out again as soon as they can gas it up.

According to an article I read in the American Legion magazine, CROWS gives our soldiers a powerful color daylight camera, a Generation 2 forward-looking infrared camera, and a laser range finder. According to another article, the CROWS system has 98 percent accuracy and can engage the enemy beyond 2,000 meters with one-shot, one-kill accuracy and no collateral damage.

My amendment would add funding for the CROWS system in Title IX of this bill so that the Pentagon can meet its target for production and deployment of this important weapons system this year. As of June 27, there were

24 CROWS systems in Iraq. If the Pentagon meets its funding targets in this year's supplementals, we will be able to field 245 systems into Iraq this year. To meet this target, this important system needs another \$28 million in the Senate bill—and another \$103 million on the next supplemental in early spring.

My amendment would add that additional funding so that we can meet this important target.

These are five very important amendments to the Department of Defense appropriations bill. I look forward to working with my colleagues—with Senator STEVENS and Senator INOUE and all my colleagues in the Senate—to move forward and ensure that we enact these amendments for the benefit of our men and women in uniform.

I yield the floor.

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. INOUE. I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO 1903

Mr. INOUE. Mr. President, on amendment No. 1903 to H.R. 2863, submitted by the Senator from Colorado, Mr. SALAZAR, on behalf of the chairman of the committee, Mr. STEVENS, and the ranking member, we are ready to accept it.

I urge its approval.

Mr. KYL. Mr. President, I am gratified that it was possible for the Senate to consent to the adoption of amendment No. 1903, offered by Senator SALAZAR of Colorado. I am grateful to Senator SALAZAR for introducing this amendment, which will ensure that students attending a number of schools receiving assistance through the Impact Aid program—including the Window Rock Unified School District located on the Navajo Nation in Arizona—are not punished for administrative errors made by district personnel. I am also grateful to the chairman and ranking member of the Defense Appropriations Subcommittee and the Health, Education, Labor, and Pensions Committee for consenting to the inclusion of this amendment in this bill.

The Window Rock district is known is a 100 percent impacted district. That is, because the land it encompasses is federally owned, it cannot rely on a local property tax base to fund school operations as most districts in our country can. It is important to note that the administrative error that triggered this penalty—the loss of \$1.2 million—was a one-time occurrence, and that Senator ENZI, the chairman of the committee with jurisdiction over this matter plans to address that ongoing administrative problem that has occurred here the next time Impact Aid

is reauthorized. Moreover, as Senator SALAZAR rightly emphasized, the money here is not new money but previously appropriated funds that had been withheld.

There is no question that district must take pains to ensure that rules and procedures are adhered to but in this case I agree with Senator SALAZAR that the penalty here was disproportionate and that, in any case, punishing reservation schoolchildren is not a particularly well-targeted penalty. This amendment will rectify that, and I am pleased that it will be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 1903) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SALAZAR. Mr. President, I thank the Senator from Hawaii, a great friend and truly an inspiration and hero for all of us in this Nation, for his great contribution, not only during World War II but also his continuing contribution in the Senate—likewise, to the chairman of the committee, Senator STEVENS, for an equally remarkable contribution to our country during World War II, and their understanding of the importance of doing everything we can to defend our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ABU GHRAIB PICTURES

Mr. INHOFE. Mr. President, yesterday, we had a hearing of the Senate

Armed Services Committee where we had testify the Chairman of the Joint Chiefs of Staff, General Myers; we had General Casey, who is in charge of the battles that are taking place over there in Iraq at this time; we had General Abizaid, and we had Secretary Rumsfeld.

About that time, we learned that, at the behest of the ACLU, a Federal judge in New York by the name of Alvin Hellerstein has ordered the Government to release more pictures of the Abu Ghraib abuse. This is despite the fact that General Myers said if you do this, it will cost American lives. Apparently, Hellerstein missed the Newsweek Koran debacle, where 15 people were killed immediately after a bogus report by that publication, Newsweek, inciting impulsive violence that is done on a case-by-case basis.

I think sooner or later we are going to have to do something about it, try to at least do all we can to make the American people aware of the bias we have in the media.

I have had occasion, since I am on the Armed Services Committee, to probably be over in Iraq more than anyone else. On one trip, the Presiding Officer was with me. All of us who have been over there will remember that every time we arrive the first thing the troops say to us is: Why is it the American people don't understand what we are doing? Don't they realize our country is under the greatest threat it has ever had throughout its history? And don't they understand the resolve we have and the fact that we know we are risking our lives? And I say to them: They do know it, in spite of the fact that the media is wrong.

There is a lieutenant colonel by the name of Tim Ryan. He was in the 1st Calvary in Iraq. He actually led a group into Fallujah. I am going to read one quote he made. He finally could not take it any longer. He said:

The inaccurate picture they paint [talking about the media] has distorted the world view of the daily realities in Iraq. The result is a further erosion of international support for the United States' efforts there, and a strengthening of the insurgents' resolve and recruiting efforts while weakening our own. Through their incomplete, uninformed and unbalanced reporting, many members of the media covering the war in Iraq are aiding and abetting the enemy.

They are aiding and abetting the enemy. And to have this thing revived on the Abu Ghraib prisoner abuse—by the way, I have to say this: Long before the public was even made aware of it, the military had gone in, taken the necessary precautions, and had prosecuted those who were guilty. That was done long before this came out in public.

Now, as far as the war is concerned, I think it is very important for people to know we are being very victorious in the areas. It is a tough asymmetrical type of threat, an enemy we have never had before.

But I would suggest that on one of the trips when I went there, we spent

the entire time in the Sunni Triangle. The Sunnis are supposed to be the ones who do not like us. I can recall a general in Fallujah who at one time had been the brigade commander for Saddam Hussein. He hated Americans. Then, when he became the brigade commander for the Iraqi security forces, he started embedded training with our Marines. He became so affectionately involved with our marines that he looked me in the eyes and said: When they rotated me out, I cried. He loves Americans now. He loves the freedoms we are bringing to that country. He is joining in that fight.

Do you ever hear about this in the media? No, you do not hear about it.

At the same time, I was in Tikrit. Tikrit is the home of Saddam Hussein. At that time, I think most of us remember, the training headquarters in Tikrit for the Iraqi security forces was blown up, and there were 40 either killed or seriously injured. Those were all Iraqis. For every Iraqi who was killed or injured, their family replaced that Iraqi trainee with another member of their family. Do you hear about that in the media? No, you do not hear about that in the media.

I can remember being in a Black Hawk helicopter, going some 50 feet off the ground, all throughout the Sunni Triangle, over almost every square foot, and seeing the kids down there. Something people do not realize is how close our troops have become to these people. A lot of times, when you send candy and cookies to your troops, you think they are eating them and all that. Do you know what they are doing? They are repackaging them, putting them in small packages, and when they go over an area in helicopters, they throw the packages down to the kids below. Those kids in the Sunni Triangle are waving American flags and jumping up and down and cheering. But you do not see that from the media.

I have to say, I do appreciate the fact that Bill O'Reilly, last night, did draw the public's attention to this judge who is wanting to release more pictures of prisoner abuse. But I am critical of Bill O'Reilly because he said no one in Congress wants to do anything about it. No one wants to touch it. I want to remind him—and in doing so, I am not going to talk about what I did—but back in February of 2004, I did complain about the fact that we were doing a great disservice to our troops by giving the Iraqis, giving the terrorists, giving the Middle East, giving the American people the wrong picture of what is going on there.

I said I was not outraged. Let's keep in mind, in Abu Ghraib these prisoners were terrorists, these people killed Americans. And here we were worrying about: Are we treating them properly?

I remember Zell Miller defended me. Nobody else would do that at that time. I will read to you what he said, Zell Miller. You know all about Zell Miller from the State of Georgia. He said:

Mr. President, here we go again, rushing to give aid and comfort to our enemies—pushing, pulling, shoving, and leaping over one another to assign blame and point the finger at “America the terrible,” lining up in long lines at the microphones to offer apologies to those poor, pitiful Iraqi prisoners.

Of course, I do not condone all the things that went on in that prison, but I for one refuse to join in this national act of contrition over it. Those who are wringing their hands and shouting so loudly for heads to roll over this seem to have conveniently overlooked the fact that someone's head has rolled, that of another innocent American brutally murdered by terrorists.

Why is it there is more indignation over a photo of a prisoner with underwear on his head than over the video of a young American with no head at all? Why is it some in this country still do not get it, that we are at war, a war against terrorists who are plotting to kill us every day, terrorists who will murder Americans at any time, any place, any chance they get?

Yet here we are, America on its knees in front of our enemy, begging for their forgiveness over the mistreatment of prisoners, showing our enemy and the world once again how easily America can get sidetracked, how easily America can turn against itself.

Yes, a handful of soldiers went too far with their interrogation. Clearly some of them were not properly trained to handle such duty, but the way to deal with this is with swift and sure punishment and immediate and better training.

There also needs to be more careful screening of who it is we put in these kinds of sensitive situations—and no one wants to hear this, and I am reluctant to say it, but there should also be some serious questioning of having male and female soldiers serving side by side in these kinds of military missions. Instead, I worry that the . . . “hand wringers of America,” will add to their membership and continue to bash our country ad nauseam and, in doing so, hand over more innocent Americans to the enemy on a silver platter.

So I stand with Senator Inhofe of Oklahoma who stated that he is more outraged by the outrage than by the treatment of those prisoners.

I appreciated the fact that he came to my aid and made that statement back on May 13, 2004. The truth is out there. The media is not giving an accurate picture.

I will hold this up. This shows the number of editorials from the New York Times and the Washington Post: The number of editorials that covered the some 400,000 people tortured to death, put in mass graves in Iraq, a total of three editorials were written. The number of editorials since March of 2001 about the beheading of hostages by terrorists in Iraq and elsewhere, including Nicholas Berg and Daniel Pearl, was eight. Yet the number of editorials since March of 2004 about U.S. detainee policies, including Abu Ghraib, was 90. If that isn't bias.

We need to do something to stop this. This needs to be appealed to the Supreme Court. I am going to be advising the Secretary of Defense of my feelings. Hopefully we can save some American lives by not reliving the pictures and this issue that has already

cost many American lives. If we actually show these pictures and revive it again, it will be aiding and abetting the enemy, and American lives will be lost.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST— S. 1716

Mr. BAUCUS. Mr. President, there are an estimated 1.5 million individuals who survived Hurricane Katrina who are now scattered across the Nation. The stories of what they have already experienced are harrowing. They are suffering deprivation beyond what many of us could imagine, and their needs, especially for health care services, are greater than most of us hope to ever know.

Today I come to the floor to share with you a few stories of those survivors and the problems they are facing in getting the health care services they need. Many are uninsured and without means to pay for food and shelter, let alone prescription drugs or a doctor's visit.

As I said when I spoke on the Senate floor on Wednesday night, one in three survivors who have applied for Medicaid in Louisiana have been turned away. Why? Because they do not meet Medicaid's traditional eligibility criteria.

These people need help. The Grassley-Baucus bill would deliver it to them without delay, without uncertainty.

As we consider moving forward on this legislation, I remind my colleagues of the faces of those we are trying to help. The survivors of Hurricane Katrina are people such as Eugene Johnson, age 57, a retired plumber and a diabetic who lost his home to Katrina. He, his wife, and four of his five children have moved from shelter to shelter. He needs eye medicine that he left behind in New Orleans, but he cannot afford the \$119 cost of the prescription. Without his medicine, he will go blind.

An aid group, the Children's Health Fund, provided him with the medicine and responded with these words:

We're a stopgap. Nothing more.

Maude Jordan, who slept on top of her refrigerator for 3 days before being rescued in New Orleans, penniless and diabetic, was taken to a relief center in Baton Rouge. Her application was rejected by Medicaid. However, she was unable to establish eligibility because she could not establish categorical eligibility; that is, she was rejected because—this is what Medicaid said—she

was "unable to establish eligibility because cannot establish categorical eligibility." Give me a break. She needs help now. That is what our bill does.

Dwayne Russ, 44, who had lived independently in a specially outfitted apartment in New Orleans and maneuvered in an electric wheelchair, lost his wheelchair when he was evacuated to Georgia and was placed in a nursing home. The local director of advocacy at a specialty hospital and rehabilitation center helped him out but stated:

Dwayne is just one person but he demonstrates there's lots of people out there in his same predicament who are not getting the help they need.

Tom Leynes, age 49, was a carpenter with an apartment just off the beach, a happy family man. After Katrina, he found the bodies of his two little girls holding hands. Now he is struggling with depression, living in a tent, taking medication, and trying to deal with the pain. He needs help.

Theresa Bieller, 39, Gulfport, MS, was following a 15-pill regimen for a heart problem and other conditions before the storm. Most of her prescriptions were already low or empty. To make matters worse, she had no electricity to operate a nebulizer for her 2-year-old asthmatic daughter, Chloe. After a few days without medicine, her chest pain and weakness mounting, Bieller checked into a hospital. She came out the next day with a mere 3 days' supply, not 15. She has no insurance and little cash to buy the expensive drugs. She needs help.

"Precious" is the name given by nursing home staff to an elderly woman evacuated from New Orleans to Tennessee who cannot remember her name. Precious can talk, but she is unable to tell staff who she is or what her health care problems are. She spent 4 days in a hospital before becoming a resident at Bordeaux Long-Term Care. Who and how her care will be paid for is unknown.

These survivors and hundreds of thousands like them are waiting for Congress to act to make sure they can get the health care services they need. They cannot afford to wait another moment for this assistance, and neither can we. I urge my colleagues to join me in supporting this motion which I will now offer by unanimous consent on the Grassley-Baucus Emergency Health Care Relief Act.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 214, S. 1716; that the Grassley-Baucus substitute bill which is at the desk be considered and agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that all of this occur with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, if I might momentarily reserve the right

to object, Mr. BAUCUS, the Senator from Montana, has given a powerful description of people who are in great need of help. There is no question about that. Many of the States that are affected and other States have taken steps to provide help in many areas, to set up uncompensated care funds to provide assistance to evacuees. I think the Senator from Montana would argue that it is not enough, he would like to do more, and his intention is obviously to bring this bill to the floor to deal with some of these concerns. I have spoken before on this and will not speak at great length now. I do not believe this bill is the right way and the best way to address those concerns. It has a cost of \$9 billion. It does include provisions for assistance to States regardless of whether they have evacuees located in them, regardless whether they were hit by the hurricanes.

I and other Members have been working with Senator GRASSLEY and Senator BAUCUS and their staffs to try to come to some agreement, but that has not happened. The question is not whether we should or want to provide assistance, but we want to make sure we do it in a way that ensures that resources get where they are most needed and in a way that takes advantage of the \$45 billion or so that has already been appropriated but has not been committed yet.

So I do object to the unanimous consent request. I know Senator LINCOLN from Arkansas and Senator LANDRIEU from Louisiana wish to speak on this issue, and I will be more than happy to let each of them do so before returning to the floor, if I am able to do so today, and offer a few remarks.

I do object at this time.

The PRESIDING OFFICER. The objection is heard.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support my colleague from Montana and his counterpart from Iowa, Chairman GRASSLEY, who have stepped up to the plate, along with the Senator from Arkansas on the Finance Committee and other Members, to put forward a bill that is absolutely crucial for the hundreds of thousands, in fact millions, of people who have been impacted directly by these two storms and the subsequent failing of a levee system in a major metropolitan area of this Nation.

This is an unprecedented natural disaster. We have said it so much that maybe it is a cliché and people are not quite understanding the magnitude of this, but these hurricanes and the subsequent levee breaks have truly displaced 1.5 million people who are without homes, without businesses, without their churches, without their synagogues, without their extended families around them, without their pharmacists, without their doctors, and they need help now.

I wish we had organized, funded, and resourced FEMA in such a way that this could be taken care of, and actu-

ally the next time this happens I hope we will have done just that. But for today, for the people of Louisiana, Mississippi, Alabama, and now Texas, who were also hit with this last storm Rita just 6 days ago, we have not had time to reform and reorganize FEMA. So if we wait for FEMA to do this, these people will not get the help they so desperately need.

We need some additional resources. That has been documented on radio, television, in print newspapers from conservative to liberal to right up the middle that FEMA is not functioning as well as it once did. This is not about blaming anybody, this is about recognizing that fact and moving on. So Senators BAUCUS and GRASSLEY, the good leaders that they are, in a bipartisan fashion, without trying to blame anyone, have said: OK, let us step in the gap. We have people who need help. We have the money to help them. Let us help them. They have put a bill together that will do that.

We are now 31 days since Katrina made landfall, the most powerful storm and subsequent levee break in the history of the country, and 6 days since Rita. Maybe people can wait another week or two, maybe three, maybe the people who just got hit 6 days ago can hold on literally to their life, their health, their children, their parents, with no health insurance, nowhere to get medical coverage, maybe they can, but maybe they cannot. Why should we again make them victims of our inability to act?

This is not a Democratic bill. This is not a Republican bill. This is a bill put together by Republicans and Democrats, tightly and carefully drawn. Maybe some other additional compromises can be made; I do not know, but what I do know is we have to pass this bill very shortly or we are going to end up spiraling downward instead of upward in this region.

The needs are great. It is not just health care and not just unemployment benefits, but when there are big cities and small towns from the Texas coast to the Louisiana coast to the Mississippi coast that are obliterated, they are not functioning—in some communities such as Waveland or in parts of Biloxi or Cameron Parish, which is a large but sparsely populated parish in my State, 10,000 people, there is not a structure standing as far as the eye can see, except the courthouse that was built in the early 1930s.

In New Orleans, still a large part in the West of the city is like a ghost town. The mayor is doing a good job getting people back to the city. Our city council is working hard. Our sheriffs, our policemen, our firemen—all of them are working very hard trying to get people back to the city. The health care system that existed just 32 days ago in New Orleans does not exist anymore. The one that existed in Waveland is completely gone. The one that was in Cameron is gone.

So I wish FEMA had showed up the next day and said: Here are your health care cards, here is what you do, here is help. But that did not happen. I am not here to fuss with FEMA; I am here to fix the problem. We do not have a lot of time.

Let me say something else to my colleagues. Congress normally does not work quickly. It is not what we are created to do. I understand that. I have been in the Senate now 6 years. We are created to sort of go slowly. It is because the Founders did not want us in passion to move too quickly. I understand that. But we were also supposed to take the responsibility to create agencies that could act quickly, efficiently, and effectively. In large measure, we have failed to do that. It was not the Republicans' fault or the Democrats' fault or this administration or the previous administration. I am not interested in that. I am just saying the reality is the people—2 million and more because other people have been impacted—need help. We have to provide it.

There are some problems over in the House of Representatives, and people know about those problems. I can understand that. But the Senate, Republicans and Democrats, has put together not just this bill, we have put together four or five bills on education, health care, small business tax relief, community development block grants, getting people immediate help to relieve their mortgage payments. If we do not do this in the next few days, the economy of the gulf coast will begin a downward spiral, and I do not know what else it will take with it.

Everybody keeps saying this is a local problem, this is about New Orleans or Plaquemine or Saint Bernard or just Waveland. It is not. It is a regional crisis. It is a very important region for our country. It is the heart of the oil and gas industry. It is the largest river system in the Nation. It is the largest fisheries and maritime complex in the country. This is not time to cower.

The Presiding Officer is from the South, a different part of the South, but as a Governor he most certainly understands the dynamics of the Washington-Virginia region, and if it was impacted in such a way, it could have national ramifications. The Chair most certainly understands that. That is what is happening in our region.

Slidell, a population of 25,000—direct hit, the eye. Most of these people work at the Stennis Space Center in Mississippi or they work in New Orleans East, which is completely gone—most of the residents are—at NASA at the Michoud plant. A lot of people in Slidell are poor, middle income and wealthy. The neighborhoods have all been hurt and affected. Some are doctors, some are small businesses.

Lake Charles, 71,000—not a direct hit but took a big hit in the hurricane, and the small cities around there, Sulphur and White Lake. I have mentioned Waveland and Pass Christian, MS,

Beaumont, TX, Bay Saint Louis, MS, just to name a few. These are the people, the working folks who support the maritime and the energy industry.

It is a complex and comprehensive plan that is necessary for rebuilding, and we are working on the pieces of how to do that. There are many different ideas that are floating around. Something will come together, whether it is done for each individual State or whether we end up coming together as a gulf coast region and doing something. I am confident, with the good ideas I have heard expressed here, some compromise will come together.

But we can't wait for this huge structure of rebuilding before we take care of some of the urgent and immediate needs: water, electricity, food, health care—the basic needs, the basic fundamentals of those governments, so small businesses can actually have a permit to stay in business, so businesses who want to locate actually have somewhere to send their letter: "Dear Mr. Mayor, I would like to locate in your town."

If there is no city hall, there are no people on the payroll, there is no executive assistant to the mayor, where do they send the letter to open a business?

I know I might be exaggerating a little bit, but I do it to make the point that, yes, we need tax cuts, yes, we need incentives for small business, but no small businesses can operate on an island by themselves. They actually have to plug into electricity and hook up to water. They have to be able to file their permits with city hall.

We have cities right now deciding whether they need to lay off all of their employees, half of their employees—maybe we will lay off 10 percent every week until somebody in Washington hears us.

I don't know why we have trouble hearing in Washington. I am not certain; maybe we talk too much. I most certainly myself could be blamed for that. I do a lot of talking. People say, Mary, you talk a lot, and I have to admit I probably talk too much and maybe I need to listen a little bit more. But I am starting to think a lot of people in Washington are not listening because the people in my State are crying desperately for help. I can hear people from Mississippi and Texas and Alabama crying for help. I know we do not normally act quickly, but we have to figure out a way to do it.

I am not talking about taking the Treasury and dumping money down there. I am talking about passing the bill of Senators BAUCUS and GRASSLEY that was worked out by Democrats and Republicans. Maybe we can tighten it even more. Maybe there is a compromise even further to be had. But there are a lot of Republicans supporting this bill. We need the House and we need this administration to support this bill and get it passed before we leave next week.

I am going to conclude because Senator LINCOLN, who is truly an expert on

this subject, wants to speak about this particular bill. But when we come back next week, I, as the Senator from Louisiana, want my colleagues to understand it is going to be very difficult for any of us—and for me particularly—to go home next weekend for a break when nobody in Louisiana, very few people in Texas, Mississippi, or Alabama have had any break and will not for a while. The only thing they are going to get as a break is broken homes and broken hearts, displaced families. We cannot go home without helping them to more quickly get back home.

We are grateful for the hospitality of Arkansas and New York. I went to New York to personally thank New York Mayor Bloomberg and the police and firemen for everything they did to help us. I have had people from all over the world in my office, thanking them for coming to our aid—internationally as well as nationally—but we cannot go home next week without helping the people from the gulf coast get home. We have to fix the education crisis. I am going to list a few things we have to do before we leave:

We have to fix the education crisis. LAMAR ALEXANDER, the Senator from Tennessee, has been working very hard all week on a compromise. I would like to see his bill passed.

We have to pass the Grassley-Baucus, or Baucus-Grassley Medicaid proposal for health care for people.

We are going to have to pass some kind of mortgage relief. We have hundreds of thousands of people for whom—some of them—their home was their largest asset. If we do not give them some relief, they are going to lose the largest asset, the only real asset they have. Some people have more than that, but most people have their wealth in their home. They are getting ready to lose it all because of the conflicts between the insurance companies and whether it was wind or whether it was flood. We are not asking for forgiveness, but a break for 6 months. We have to give them that.

My staff told me today, a few minutes before I came down here—and I am sorry I do not have the document—that the report just came out that there has been the highest number of people in the history of the country who have defaulted on credit card payments. Does anybody wonder why? Is anyone confused about why this month, this report would show the highest number of people in the history of the country to default on credit card payments? It is because the people who are lucky enough to have credit cards and who still have not yet hit their limit are using their credit cards and their cash cards to literally stay alive. They have no health insurance, no hospital, no job, and virtually no action from Congress. They have a credit card and they will hit their limit.

So if we do not get some response quickly, in a bipartisan manner—I see HARRY REID on the floor, our leader,

who knows this well. For the last 2 weeks he has been working to keep Democrats and Republicans working together to get this done—we are going to be in a serious situation. There are some things we have to get done next week.

In conclusion, I thank Senator BAUCUS and Senator GRASSLEY for bringing their bill up again to the floor. We are going to have to get some things done before we can go home next Friday. I look forward to working with my colleagues in that regard next week.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, words to express my consternation are difficult to come by right now.

First, to express my appreciation to Senator BAUCUS for his tireless efforts. Montana is a State without a lot of people. It is a State that grows hardy stock. I have been there. Every time I have been there, it has been with Senator BAUCUS. It is a beautiful State—big sky country. Senator BAUCUS does not have many people in his State that this legislation he is attempting to put forward would help. He is doing it for the precious people in the world, not just the one he talked about with the name Precious, but precious people who have no place else to go than to someone like Senator BAUCUS, who is a leader from the State of Montana, who finds himself in a situation of responsibility in which he must reach out.

He first is a Senator from the State of Montana. But most important, his title is a U.S. Senator. He is concerned about the people of Louisiana, about the people who may not be named Precious, but they are precious. People in the State of Arkansas, because of close proximity to the areas where the hurricane struck, took in as many as 65,000 people. They are not all there now—most of them are there—but wherever they have gone, they have left in the State of Arkansas a lot of unpaid bills. That is not because they are trying to get away from responsibilities they have. It is because this Government has programs that are supposed to protect people such as Precious. The State of Arkansas deserves more from us than they have gotten.

This legislation Senator BAUCUS is propounding has the support of the vast majority of the Senate—I hope on a bipartisan basis.

While I am talking about bipartisanship, I have also to throw a bouquet to the chairman of the committee, Senator GRASSLEY. He has taken a lot of grief for working with Senator BAUCUS to come up with this legislation. Why did CHUCK GRASSLEY do that? Because he is a United States Senator and has responsibilities outside the State of Iowa. This legislation is a model for bipartisan compromise.

Senator LINCOLN was misled, I say with all due respect to some of my colleagues, because she filed a similar amendment to the Commerce, Justice appropriations bill. Why did she with-

draw this? She withdrew the amendment in exchange for the promise that the Finance Committee would reach a bipartisan agreement, which they did, and it would be brought to the floor and we would vote on it. We have had no vote on it. Senators BAUCUS and GRASSLEY fulfilled their promise. Her legislation wasn't exactly like this, but it was so close it is not worth discussing the difference at this time. A handful of Senators have blocked consideration of this bill on the floor, twice already that I know of, and I think maybe three times.

The administration has the audacity to argue that this is not necessary. They want to do it with a bunch of waivers. Anyone who understands Government knows that is absolutely ridiculous. Their approach creates more bureaucracy while failing to provide funding guarantees for the States that badly need this. More important, their approach not only leaves but has left tens of thousands of Katrina's victims without care. We need to provide swift access to health care for Katrina's victims with guarantees of full Federal funding for the States who are generous and step forward at a time of need.

This is the time to allow us to pass this legislation. We are here now on a Defense appropriations bill. That is what we are going to be doing now. Couldn't we set aside 20 minutes, 10 minutes of debate on each side, and vote on this? We have a handful, maybe a half dozen Senators, holding up this legislation. Couldn't we spare the American people 20 minutes of debate time on the Senate floor to deal with people who are in dire need of help? As Senator BAUCUS explained, these are people who cannot even speak. We want to help them.

Continued failure to do so ignores the support of the bipartisan majority of the Senate. It also ignores the wishes of this country's bipartisan Governors. The Governor from the State of Arkansas is a Republican. The Governor from the State of Louisiana is a Democrat. They want help. Mayors, county commissioners, patients, hospitals, nurses, doctors—my good friend, the majority leader of the Senate, is a physician, a prominent, eminent transplant surgeon. I know how he cares about people who are sick. But we need the majority leader to push aside the loud voices of this very small minority over here and stop this. He needs to stop this and let us move forward with this legislation.

He has decided not to run for reelection. He is going to be here a year plus a few months. Is this a legacy that he wants to leave? Katrina? People, after 5 weeks, with no health care? Is it going to be 7 weeks? 5 months? Maybe ignore them, maybe that is what they want, ignore them.

These few Senators are standing complaining about maybe it costs too much. Maybe the first place the majority leader should look, with his friends who are holding this up—let's look at

the budget that is out here, of which Protestant leaders of this country, on the night it was passed, said it would be an immoral document.

I am very grateful to the Senator from Louisiana, Ms. LANDRIEU, and my friend of many years, Senator BAUCUS, for doing what they are doing, and the advocacy of Senator LINCOLN from Arkansas. I so appreciate their not letting this issue die in the eyes of the American people. We must continue doing this. It is the right thing to do.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor today to join my colleagues in what we hope to be an opportunity to bring about an awareness of the dire need, not only of the evacuees, of those individuals in the affected States who have received such incredible, devastating natural disasters, but also the other Americans who are involved in this circumstance, the other Americans who have opened their hearts and their homes, their hospitals and clinics, their pharmacies and their community centers, their church basements—these communities who have recognized what it means to be an American. They have recognized what it means to be fellow Americans. They have recognized what it means to be a good neighbor—I was, I guess—tongue in cheek—perhaps I was criticized being a little overpassionate on this issue, so I will resume my good, soft-spoken, and commonsense approach to what I think to be a very real problem—to have deeper roots, in terms of what are the values we as Americans do profess and for which we are willing to put our money where our mouth is when we speak of these values to really talk about not the immediate impact but also the long-term impact of the decisions that we make or we fail to make in a timely way.

I will come at it from a different perspective. Maybe keeping my compassion down a little bit will be helpful, but it is hard when we look out and see the kind of compassion in the faces of the incredible constituents that we serve, that we represent, that we have the privilege of coming to this floor to represent each and every day.

We also look out at the private sector, for which we also can be proud, our Nation's health care providers and States that have been there, at a time when vulnerable Americans need them the most.

The moment that Hurricane Katrina hit the gulf coast—now about a month ago—they jumped into action. They didn't have to be asked. They didn't have to be told what their job was. Medical, professional, and community leaders knew what their job was. Their job was to reach out to their neighbors, to their fellow Americans, and to their fellow human beings, who were in unbelievably devastating circumstances.

Cities and States all around the country opened their doors to welcome Katrina survivors from throughout the

gulf coast region. Hospitals evacuated those who needed immediate attention. Doctors, nurses, and other health care providers have come together to provide health care to thousands of victims of this horrific natural disaster in the gulf coast. And they did all of it with no questions asked. They didn't ask: Who is going pay for this? Who is going to reimburse us? Who is going to take care of us? When the high numbers of Medicaid patients jump way beyond a survivable number, who is going to make us whole?

They did not ask those questions because they believed in this country. They believed in who we are in this body as Americans, who know our responsibility as neighbors. I happen to be somewhat of a neighbor of the President in the chair today. When my family is here and we are in session, northern Virginia provides an incredible neighborhood for us, just like our neighborhood in Little Rock.

We reach out to our fellow neighbors out there, as we do our neighbors in Arkansas.

It is what we are about in this country. It is being there for our fellow man. That is what these providers have done. Now it is our time.

We have an opportunity in this body to demonstrate that we understand what that means, we understand what it means to be a good American, to be a good neighbor and to provide to our fellow man who is in the neediest time in his life the kind of care and love and support that he needs—he or she—at that time without asking questions.

We could pass the Emergency Health Care Relief Act that Senator BAUCUS and Senator GRASSLEY have worked so hard, in a bipartisan way, to bring about. I offered an amendment a month ago. I could see from my providers, those doctors and nurses, those pharmacists who worked 24-7, who spent their entire Labor Day weekend taking care of their neighbors from Mississippi and Louisiana, who didn't ask questions, I could see that there was going to be a tremendous need down the road to provide them piece of mind—that not only they were doing the right thing in helping those neighbors but also that they could continue to do the good job in providing services to the constituency, the community, and the neighbors they have known all of their lives.

Many of our communities in east Arkansas, particularly in the Delta region, are already disproportionately poverty counties. Hospitals and clinics, community health centers before Katrina were already disproportionately Medicaid and Medicare facilities. They were already heavily dependent.

Tomorrow, they are going to take a cut. To save money in this country, to look at where we are going to save money, we are going to reduce the Federal share of their Medicaid reimbursement as of October 1. Out of the 29 States that are going to see a cut in their Medicaid reimbursement, the

most affected 7 States in the country by this natural disaster will see a cut tomorrow in their reimbursement for the neediest, those who depend on the health care safety net of this country because we are so trapped, so paralyzed in the redtape that we want to create in this body.

We do have an opportunity, though, to not only provide for Katrina survivors and victims of such an incredible natural disaster, but to also prove to the private industry of this Nation that we can react without the unbelievable web of redtape that leaves them hanging, that leaves them holding the bag for the cost of something that we should be held accountable for—not just held accountable because we are the Government but held accountable because we are the institution that wraps its arms around the American people when they are most in need. We can do so in an efficient and effective way.

To my colleagues on the other side who are so desperately worried about the cost of what we are doing, who are so afraid of helping one too many needy people, I say to you: Look at what we have become.

We have worked hard to keep the costs down. We have made it temporary so it wouldn't explode or over-expand—yes—an already very expansive program.

These people are not going home tomorrow.

I saw a piece in my hometown of Helena about a couple that left in haste out of New Orleans. They went to Jackson and could find no help. They went to Memphis and were sent to Tunica, MS. In Tunica, at the Red Cross facility, they were told there was already overcapacity, and they were simply sent away. They went to the next bridge that crossed the great Mississippi River and into my hometown, remembering someone they had grown up with in their childhood from Chicago, and called him hoping that he would be there. He was. He was a pastor of a church. He had opened his church doors and his home. He and his wife opened their home and welcomed them in, as well as other families that were already living there. They reached out to one of the most poverty-stricken counties already in the country—reached out to a small health care foundation that this community had managed to put together over the last several years to try to reinvigorate their health care infrastructure because they know how important it is as a component of rebuilding the vitality of their community and creating jobs for those who want to get into a more independent situation.

But who locates businesses, or factories, or jobs in an area where you don't have the necessary health care to begin with?

So you have a small nonprofit health care foundation paying for this couple's health care because the providers have no earthly idea whether their

Federal Government is going to be there for them.

We are bigger than that. We are not talking about an open-ended payment.

We are talking about a temporary ability to give peace of mind to the people who, since day one when this disaster struck, have not asked questions, have put their full faith and hope in this Federal Government—that for once it will disregard the redtape, look wisely at something that we already have in place, and look wisely at past experience such as 9/11, when we were able to temporarily offer a health care safety net to survivors, and expect that we could come up with the wisdom and the courage in this body to provide them the peace of mind that what they have done for their fellow man was the right thing to do.

We are talking about ensuring full Federal funding within the area where medical care has been provided for victims of the hurricane.

Medicaid is our health care safety net in this country. I think this crisis itself has shown us how important this safety net is to our Nation.

We have to make sure it does not unravel in the face of this national emergency.

Do we have concerns about Medicaid? Do we feel as though there are places where we could be more efficient and effective in that program? You bet there are places we can be more efficient and effective.

Chairman GRASSLEY has suggested some in terms of the cost of prescription drugs through Medicaid that can be negotiated in a better, more efficient way, to provide more cost-effective drugs in that program and hopefully lead the way to seeing us provide more cost-effective pharmaceuticals for all other programs, as we do with the Veterans' Administration. We can do that when we work together.

To scrap a program designed as a safety net for people who are in the most devastating circumstances is not the way to do that.

The administration promised they wanted to make whole financially the States that were providing health coverage to evacuees. They say there is no need for the Grassley-Baucus initiative to provide full Federal funding for Medicaid because they want to use waiver policy. What they did not say is there is no Federal funding, no Federal dollars in providing that waiver policy. There are no dollars that they will put behind that.

They have asked Louisiana, Mississippi, and Alabama, the affected States, to sign memorandums of understanding to agree to be on the hook financially for a portion of the Medicaid costs of the survivors. How humiliating to go to a State that has been devastated and say: We are going to put you on the hook right here and now for the costs of what your neighbors want to provide. And we, as a nation, supposedly the wealthiest nation in the world, should be able to care for our American citizens.

We know those States are in no position financially to incur that kind of cost. Those three Governors testified before the Committee on Finance earlier this week. One of the Governors mentioned she did not even have the resources through her State legislature to overcome the increase in costs they were going to see because of the loss of Federal dollars they are going to experience tomorrow when their Federal matching portion of Medicaid is cut. That was before Katrina ever hit. Before this devastation hit, they could not find the resources in their State—with a disproportionate share of low income, dependent on that safety net—to be able to cover that. That was before the disaster.

Those Governors were highly concerned. They expressed it in their testimony and in their questions and comments about making sure the Federal Government would be there for them to make them whole, to extend help to their States—Louisiana, Mississippi, and Alabama—when they were unable to deal with that under their current budgets.

For Arkansas, what does it mean? Does it mean we are left holding the bag due to budgetary issues, due to the fact that there are a few people in the Senate that are more worried about the temporary spending to help the neediest of this devastation than they were about the \$62 billion we vetted for FEMA? Nobody objected to that. I have no objections for taking the money from that. FEMA will probably come back and ask for more money anyway.

If it were your mother or your sister or brother or niece or nephew, uncle or parents or grandparents who had been displaced, who found themselves in a strange community with a chronic illness—whether it was heart disease, diabetes, perhaps cancer patients in need of treatment, perhaps it was a child who needed health care—can you imagine the fear of thinking you would not be able to access it? Or to find the provider that was providing it for you was scared to death that it was going to push them over the edge; that if they helped enough of the people without any assurance or piece of mind, eventually their doors would be closed and they would no longer be able to provide that kind of care.

As I toured the evacuee camps, there was an unbelievable feeling of gratitude among those displaced at a time when they had to have been devastated. A woman was about to get married who had lost her wedding dress in New Orleans. But the people in our community in Arkansas provided a wedding dress and a wedding for people who had been displaced who did not know where their other family members were, who were separated, yet who were still so grateful for the food, the warmth, the hospitality, the love and the arms that enveloped them in the evacuee camps where they found themselves. Some of them have dispersed and gone to stay with cousins, aunts or

uncles, sisters or brothers in other States. That is one of the reasons we want the expansion.

We do not want it just for the State of Arkansas. We know we have already sent many evacuees to Pennsylvania, West Virginia, North Carolina, Iowa, Utah. They too are going to need health care because they do not know when they will be able to go back, and they do not know what they will be going back to. They do not know what happened to their jobs, the health care they may have had which is provided for in this bill to keep private insurance still in the go-along to make sure we make it whole as well, that we put as few people as possible into that Federal safety net.

We have an opportunity. I hope as a nation we can realize spending more and more time to try to bring up convoluted waivers—and our State Medicaid directors know that most of what is in the waivers is an empty promise. Last night in Arkansas, we got a waiver from HHS, but it certainly has contributed only to more redtape in addition to what has already been created. It provides more questions than answers. There is no money attached to it so it really is an empty promise that they will do something about that.

The survivors, the health care providers in the States, have received no relief, no legitimate help. They are out there doing this without any assurance of from where it will come.

We do not know in the waivers what services will be cut. How do we expect providers to know what they can provide and what they can't? Most of them were given the assurances from their State: Don't worry, we are part of a great Nation.

When you treated those people over the weekend on Labor Day, we are going to ask them to go back in their minds 4 months and fill out the kind of paperwork to ensure they can get reimbursed for a tetanus shot or for a procedure, whatever it might have been. They, in good faith, have filled out what the State has asked them to fill out to make sure they are accountable for the services they have provided. Yet through the waiver processes, there is yet one more piece of redtape, one more form to be filled out, one more web of Washington bureaucracy they will have to deal with, without any guarantee that there is money behind it, that there are resources to actually pay for that.

As we look at the waivers that have been offered, they create uncertainty about reimbursement. The administration has suggested creating a new uncompensated care pool to reimburse health care providers. When we asked where was the money going to come from, that is what they told us—a new uncompensated care pool. Why wouldn't we use something that already exists, that already has fraud and abuse stipulations and cautions? Why wouldn't we use a system that we can continually improve on? But we

will create a new uncompensated care pool. We will not know where the money will come from.

I question my colleagues who are looking at fiscal responsibility. A new uncompensated care pool does not have any parameters to it, it does not have any protections from fraud and abuse.

Health care providers receive no guarantee about which services and how much care will actually be reimbursed through this uncompensated care pool. I go back to the story I used in committee the other day about the woman who survived on top of her refrigerator. She was reported in *The Economist*. She survived on her refrigerator for 3 days and was able to finally get out. She made it as far as Baton Rouge. She was a diabetic and quite in need of care. She went to seek out health care and was told she was categorically incorrect and could not get care.

That is the kind of redtape we will perpetuate if we do not look at the reasonable proposal that Senator GRASSLEY and Senator BAUCUS have come together to produce.

Does it go as far as I would like it to go? It does not. I have been out there and have seen what the people are up against—both the providers and the evacuees. I see what their families are going through—not just the lack of care, the lack of essentials or the communities that are trying to provide for them, but the dignity they want to maintain while finding themselves without a home, without any possessions, dislocated from their family, their neighbors, the people who care for them and love them, finding themselves in strange places with people who are trying desperately to give them that sense of dignity and care.

In my soft-spoken and commonsense way, I appeal to my colleagues. We can be fiscally responsible. We can look for ways we can provide care and peace of mind to those who need the health care and to those who, without reservation, are providing it to some of the neediest, most destitute of Americans at this time in our country. I ask my colleagues: Please, do not put this off for yet another week. Don't send us home to our States to tell our providers, to tell the Americans that have evacuated the gulf coast, that they are not important enough for Congress to deal with this issue in a more timely fashion.

I compliment my friend from Montana for his and Senator GRASSLEY's attempt to work through this issue and to bring about something that is not only practical and common sense-oriented, that is limited in its timeframe, but that is also compassionate toward our fellow Americans.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know the people in the State of Arkansas already know how much their Senator fights for them. I state my perspective: The Senator from Arkansas is one of the best. She is a believer. She fights

for her people and all are grateful for that.

I make a couple of points. One, this legislation to help the health care needs of evacuees and victims of Katrina is desperately needed. It will pass. It is a question of when that willful band of three or four Senators will finally recognize that so we can get on with it and help people who really need some people. That is what this comes down to.

I hear a couple of complaints about this legislation. Let me briefly explain what this is all about. Basically, this is an effort to help people. It is a modest effort. It is legislation designed by the chairman of the committee, Senator GRASSLEY, a Republican, and myself, the ranking Democrat. We have worked with all the members of the committee. We have worked with staffs of the committees.

We have worked with Senators from States directly affected, asking their views. This has been scrubbed. This has been examined. This has been worked over many days in many ways. It is balanced. It is not nearly as extreme as some of the suggestions of some Senators. I might say, a couple of the Senators backed off and did not offer their legislation on the promise that we in the Finance Committee would come up with a bill, a balanced bill—Senator GRASSLEY and myself—and bring that bill to the floor.

Well, here we are. It is a couple weeks later. We in the Finance Committee did our part. It is up to the Senate now to do its part and take up this bill and pass it, recognizing that this is only temporary. This is only temporary relief, only temporary assistance for the health care needs of the people in Louisiana, Arkansas, Alabama, the States affected. This is not permanent. By “temporary,” I mean about 5 months. My gosh, by the time we get this enacted, virtually a month will have already passed. We are talking about legislation which is 5 months in duration.

Some are concerned: Well, gee, this is an additional entitlement. It is more money. It is an entitlement.

Well, I think it is important to remind ourselves that in our country we have a program called Medicaid. What is Medicaid? Medicaid is our safety net. It is kind of the last resort for people to get health care if they cannot afford it otherwise, or do not have it otherwise—they cannot get it at their place of employment, or if they are not wealthy, they cannot buy health insurance.

So we have something called Medicaid. It is health care for low-income people, people who do not have much money whatsoever. It is kind of a safety net to catch people who otherwise would fall between the cracks. It is directly designed for people such as those who are affected by Katrina.

So many people in Louisiana and other States do not have health insurance. They do not have it. They do not

have it for several reasons: One, they could not afford it; or they work for small businesses, which we know have a harder time providing health insurance; or their business has laid them off, so they do not have health insurance because they do not have the income. For whatever reason, they do not have health insurance and they need health care now—especially diabetics, especially people who need dialysis, especially seniors, or maybe not seniors, who have very definite, immediate, extraordinary health needs.

One out of three Medicaid applications in the States affected—at least in Louisiana—has been turned down because they did not meet the criteria. The criteria, as we know today, are pretty low. Or I might say it differently. It is difficult to get on Medicaid if you have significant income or just some income, if you have some assets. If you have some income and some assets, you do not get health care.

So we are saying, let’s raise the eligibility criteria a little bit to the same measures we provided for victims of 9/11. It is the same provision. The income levels are increased only very modestly, very slightly, and the categories that are covered are virtually the same.

I ask my colleagues, if the survivors of 9/11 could get this kind of Medicaid health care insurance, why in the world can’t people who are affected by Katrina get the same coverage? It is the same. The people of New York City got help right away. It was passed very quickly. Why can’t the people of Louisiana, Arkansas, Mississippi, and Alabama get the same coverage? It does not make any sense to me.

Now, the catchall objection I heard earlier today was: Well, gee, this isn’t quite right. It is not the best. Well, there is never going to be “the best.” We all know it is often important to not let perfection be the enemy of the good. Is it going to be perfect? No. Is it very, very good? Yes. Can we adjust it and change it if we need to make some changes? Certainly. But let’s begin.

This is an emergency. It is a bit reminiscent—I do not want to be too melodramatic about this, but we have had crises in our Nation’s past, whether it was Pearl Harbor, Sputnik, or whatever it might have been, and this Congress reacted very quickly to those crises. This, too, is a crisis for these people in that part of the country. We need to act quickly. It is a crisis for them. If we do not act, many people will not get the health care they need; or, looking at it differently, they are going to be burdened with an additional concern, whether they are going to get their health care, whether they are covered under Medicaid, whether it is going to be there. That will be added to all the other problems they have: Where are they going to live? Where are some of their lost loved ones? What is next for them? Are they going to be able to make their car payment or

house payment? The problems the people in Louisiana and these other States are coming up with are incredible. Why can’t we, then, in a small way, help with health care?

Now, I have heard the objection: Well, gee, Senator, your legislation does not allow a reduction in FMAP payments to 29 States. After all, 29 States is a lot of States. There are only about three or four or five or six or seven States that are most affected.

Let me explain this. Currently, there is a scheduled reduction in Federal payments to States. It is called FMAP. It is irrespective of Katrina. It is in the law. It is because certain States, a few years ago, had higher incomes. Because of averaging and data lags, the information is quite dated. But the point is, this legislation says, OK, for those 29 States that are going to have their Federal payments to cover Medicaid drop automatically, we are saying they will not drop—temporarily. We are not increasing the Federal payment to States. We are not increasing it at all. We are saying it will not drop for 29 States for which it otherwise is scheduled to drop. And this is only temporary. I think it is for a year’s term.

Well, why is that so important? Why is it important not to let Federal payments drop to those States? It is pretty simple. These are States which have a lot of additional costs. A lot of evacuees are going to these States. Many are going to these States, which puts an additional burden on these States. Now, it is not just Medicaid burdens; these States are going to have to pay additional Medicaid costs or other social services costs, other education costs, to pay for the people who are now coming to their States and who need help.

Let me give you a little bit of a flavor of what that means in terms of dollars and cents. Let’s take the State of Arizona. They are scheduled to have about a half a percent reduction. That is a drop of \$30 million in payments to the State of Arizona for Medicaid, and that State is now going to pick up at least 2,000 more people. That does not make a lot of sense.

Let’s take the State of Nevada: It is about a 1.14-percent drop in Federal payments under Medicaid. That is about \$14 million less Nevada is going to otherwise receive. They have to pick up about 1,500 additional people.

Let’s take the State of Oklahoma. It is almost a 2.25-percent reduction. That is about a \$66 million reduction. There are about 4,000 people, at least who we know of, who are going to be living temporarily, at least, in Oklahoma, and they will have to pick up those other costs.

We are not asking for an increase. We are just saying: No reduction in Federal payments to States affected.

I might add that 25 of the 29 States on this list are States where the President has declared a public health emergency because of Katrina. Twenty-five of the 29 States are States where the

President has declared a public health emergency, indicating there are additional pressures on those States and additional pressures on the people in those States. We are trying to provide some temporary help.

Now, you hear sometimes: Well, the administration is suggesting a waiver. Senators mentioned the problems with the waiver. I will very briefly list them. One is that the waiver does not cover a lot of people who are going to need care. A major category is childless adults. If you are a single man or single woman, you do not get any assistance here. That does not make any sense. It does make sense to give assistance to women and children, but it does not make sense not to give any assistance to a single man or a single woman. That is an effect of the waiver that the administration is talking about.

Why create all these additional misconceptions? Let's say, as the legislation does: OK, we are going to utilize this Medicaid safety net, and I don't care whether you are single, you are a parent, you are old, or what; if you do not have the income, you are covered. We are going to help you out for 5 months. What is wrong with that? Doesn't that make sense? To me, it makes a lot more sense.

It is important to add, too, this legislation is strongly supported by the Governors in the States affected. It is bipartisan, supported by Republican Governors, Democratic Governors. Governor Riley of Alabama wants the legislation. Governor Barbour of Mississippi wants this legislation. Governor Blanco of Louisiana wants this legislation. It is supported by Republicans and Democrats.

A lot of Senators around here say: Well, gee, the local people know what the needs are. The local people know best. We in Congress are too top-down. We issue these ultimatums, we pass this legislation, but it is the local people who know.

It is important to note, the local people want this. It is the local people who are asking us for this. The Senators from Louisiana—from both sides of the aisle—want this. Senator LOTT and Senator COCHRAN want this. It is the same with the Senators from Alabama, who are both Republicans. They want this legislation. It is the same with the Senators from Louisiana. One is a Republican and one is a Democrat. They want this. I mentioned the Governors want it. The House delegations want it. Again, I remind my colleagues, it is temporary. It is only for 5 months, this Medicaid help.

Now let's get into the question of uncompensated care to hospitals. This legislation—again, scrubbed, worked over—provides for \$800 million of uncompensated care to providers in the States affected, to be administered by HHS, and grants for uncompensated care for those hospitals; whereas, the administration says: Well, we will give uncompensated care in waivers. But we

are not saying how much. We are not saying how. It is only a promise. I am saying, it is deeds. It is not words. It is deeds.

I might also add the waiver process the administration talks about as an alternative has huge, big problems, to be honest about it. What are they? Well, the basic problem is this. The administration says: OK, we will make you States whole under Medicaid; that is, you have the charges, then you bill us, and we will pay you. There is a real question whether they have the authority under the law to do that. It is a huge issue. In fact, coming to work today, I heard a George Washington professor talk about this. She says under the law they cannot do that.

Do you know what I think is going to happen? Some are going to duck under this waiver "idea" saying: OK, it will make you whole, States. Then there will be a big debate whether legally the administration can do that. Then, well, it kind of fades away and—guess what—these States are not going to get it. These hospitals are not going to get that extra uncompensated care, either.

All I am saying is, this is a quick, certain way. It is Medicaid. We all know Medicaid. We know it works. The provider networks are set up. The process is set up. The people are there. So let's raise the income levels a little bit—just a little bit—temporarily, for 5 months. Let's get on with it, rather than this very uncertain administrative idea of waivers and what they are, what they can and cannot do.

We have already established under the law one thing they cannot do. They cannot give Medicaid assistance by picking and choosing in that picking and choosing, there is discrimination against who gets help and who does not.

Katrina survivors need to know, are they going to get any help or not? They do not need the additional worry of whether they are going to be discriminated against.

Finally, I would like to say, this question before us, to a large degree, tests us as a Nation, as a people, as a Senate, as a Congress. Who are we? What do we stand for? Are we going to stand here and bicker over minute details while people need help? Are we going to be kind of FEMA-like and be hesitant and not respond immediately? What signal does that send? What signal does that send to the people affected? What signal does that send to the rest of the country? What signal does that send to the world?

Here we are, the Congress is bickering over whether to provide health care benefits to the people who need them, people who are down and out because of a natural disaster.

We are supposed to be America, a big heart, model for the world. Sure, we have to make sure there is no waste. That is one of the reasons we should go through Medicaid. There are already antifraud provisions and protections set up under Medicaid today. That is

already in existence. It is pretty simple. It doesn't take rocket science to figure this one out. Let's help these people. Let's do it now. We will take up other disaster assistance matters in subsequent weeks and days and have an opportunity then to make adjustments that may or may not seem necessary. But at the very least, let's pass this legislation now.

We are going to pass it. Obviously, if you are going to do something, you might as well do it earlier rather than later and get on with it so we can get on with other things. We are going to pass this. I hope Senators who are opposed to this, for reasons I can't fully understand, will finally sit down and say: OK, sometimes discretion is the better part of valor. Let's pass it and get on with it.

The PRESIDING OFFICER. The Senator from Arizona.

TAX RECONCILIATION

Mr. KYL. Mr. President, let me speak briefly to a related subject dealing with relief for those adversely affected by hurricanes in the gulf region, the other side of the coin. We have a lot of programs we are going to have to fund for the relief of the people who suffered. A lot of us have felt we ought to be careful about how we spend that money and even make sure as much as possible we cut spending in other areas to pay for it. There are those who say the way to ensure we have enough money for these programs is to raise taxes. What I want to address is the fact that raising taxes, especially at this point, taxes that ironically would impact the very people who have suffered, would be absolutely the wrong thing for those people, for their communities, for the families of our country, for the economy, and for job creation.

Raising taxes is not something you do when you want to help people, especially since we know the bulk of the growth that is going to occur in that region is going to come from the private sector. You don't make the private sector more healthy by extracting more money from it.

Specifically, we are talking about a process in the Senate whereby we put real life into the budget we passed earlier this year through two bills we call the reconciliation bills, essentially reconciling income to our outgo. One of those bills deals with some of the tax policy we first effected in the year 2001 and then in the year 2003. Remember, the economy wasn't doing so well back then. When President Bush was elected in 2001, he said: We need to reduce taxes in some areas and thereby help the economy get back on its feet.

In 2003, we brought that tax relief forward to that date and the economy took off. Marginal rates were reduced for all taxpayers. There were two taxes especially that helped with investment and job creation. We reduced substantially the tax on dividends issued by

businesses, by corporations. We also reduced the taxes on capital gains. Capital gains are paid on virtually anything you sell and make a profit on.

As a result of reducing those tax rates, did we have less money come into the Treasury? No. The reduction of the tax rates ironically caused all kinds of economic activity to occur because people weren't going to pay as much taxes on it, with the result that the taxes came rolling into the Federal Treasury. That is the situation we see today: Record-breaking revenues coming in from the payment of taxes because we reduced the tax rate.

Were we to allow those tax rates to go back up again, we can fully expect the exact opposite effect: less economic activity to tax; therefore, less taxes collected. It doesn't make any difference if you raise the tax rate; if there is nothing to tax, then you are not going to bring more revenue into the Treasury. Both because it would hurt the people you are trying to help in the gulf and around the country, and because it would bring in less revenue to the Treasury, a tax increase at this time is exactly the wrong response.

There is an interesting phenomenon—I know the Presiding Officer is aware of it because he takes a significant role in studying the economy and its effects—economists who look at this say we will be able to rebuild from the effects of the two hurricanes. Our economy is big and strong, and there won't be any lingering damage. There will be a blip in this third quarter. But by the fourth quarter, our economy will be strong again.

What they are worried about is the signals coming out of Washington that maybe in this reconciliation bill, we won't continue to support the lower capital gains and dividends tax rates, that we will in effect allow those tax rates to increase by not doing anything. Those tax rates are scheduled to increase in the year 2008, if we don't stop it. We are going to have a tax increase then, if we don't say we are going to continue the 15-percent rate. We have the chance to do that this year. I will explain why it is important to do it this year.

What we are asking for is the ability to continue the tax rate as it is on capital gains and dividends 2 more years, from 2008 to 2010. That is important for a reason I will discuss in a moment. Some people say: At a time that we have to pay for hurricane damage and reconstruction and rebuilding, we ought to raise taxes, not keep the same rate we have.

The point is, the tax rate we have today extends on through the year 2008. We don't gain anything by raising that tax rate to so-called pay for the hurricane rebuilding. That doesn't happen until the beginning of the year 2009. We are not able to gain revenue by allowing that tax rate to go back up again, since it is not going to go back up again, if at all, until the year 2009. There is nothing to be gained by not

acting and everything to be gained by sending a signal to the markets that we are serious about keeping these rates at the level they are.

Why is this important? It is important because when people decide whether to invest, they foresee what the length of their investment will be, what they have to pay for it now, what they are going to make on it, and what kind of taxes they will have to pay. That is how they decide whether to invest. They capitalize their investment based upon the expectation of profit which is a condition of both what they will sell for and what the tax rate will be. We know what the tax rate will be through the year 2008. The question they ask is, what about the year 2009 and 2010?

Most of the investments made today are investments that are going to play out over the next 3, 4, or 5 years. It doesn't do a lot of good to look at the tax rates tomorrow or the next day. We do want to look at the tax rates in the years 2008, 2009, and 2010. That is when the profits will be realized, the taxes will be paid. It is hugely important what the tax rate is going to be in the year 2009 and 2010. That is why we have to act this year to extend the current law to make sure those rates stay right where they are, that we don't have a rate increase.

There are some interesting statistics which I know the Chair is aware of, but I want to remind my colleagues with respect to the state of the economy today and the impact of the hurricane damage on it. The Congressional Budget Office estimates the two hurricanes will have only minimal effect on economic growth. They project that GDP growth in the second half of 2005 could be one-half percent slower than was previously predicted, but that by the fourth quarter and beyond, economic growth will return to its normal levels. We do know the economy was firing on all cylinders before the hurricane. In August, the month of the hurricane, CBO forecast the economy would "continue to expand at a healthy pace during the second half of 2005", and CBO projected GDP growth would grow by 3.7 percent in 2005, by 3.4 percent in 2006. As I said, the economy is doing great, firing on all cylinders.

In August, the unemployment rate dropped to 4.9 percent, one of the lowest percentages ever. In May 2003, when the tax cuts were enacted, the unemployment rate was 6.1 percent. So it went from 6.1 down to 4.9. Most economists believe the tax cuts had a lot to do with that.

I might contrast to our European friends. Through the first half of 2005, the growth rate in the Euro area was 1.1 percent. The unemployment rate there stands at 8.6 percent. So we are doing very well in this country. Our economy is moving right along. It is not going to be adversely affected by the hurricane rebuilding. What we don't want to do is anything to slow that economic growth down, stop this

engine of production. Tax increases would do exactly that.

Since the year 2003, when the tax cuts were enacted into law, we have seen a sharp increase in revenues coming into the Treasury. While private economists expected that, it didn't show up in official Government estimates. In August, the CBO acknowledged that the revenues for 2005 will be \$85 billion more than they were projected in March of this year. That is how wrong the Government was. It could even be more than that. So from March to now, we know we are going to have at least \$85 billion more in Federal revenues than were projected.

Here is the great statistic: CBO now projects the Treasury will collect \$262 billion more in revenues in 2005 than in 2004, an unprecedented increase—\$262 billion more. This is at lower tax rates. How can that be? When you have lower tax rates, it encourages people to invest more because they are not going to have to pay as much taxes. That investment produces economic growth which, in turn, is taxed, and that is why we are getting all the increased revenues to the Treasury.

Interestingly, corporate income tax payments are up 42 percent this year. They were able to expand their operations because they have been able to attract additional investment. They are being attracted in part by the lower rates on dividends and capital gains.

What would happen if we allowed those rates to increase? The nonwithheld income tax receipts are up 28 percent. What are these? These are the tax payments that don't come from employer withholding. In other words, they come from things such as capital gains and dividend income. Clearly, the 2003 reductions in the cap gains and dividends are having an impact there. We have to use the reconciliation bill this year to maintain the lower rates for capital gains and dividends and keep our economy growing.

In summary, there is a strong economy that we don't want to hurt by raising taxes. Beyond being concerned about the tax dollars coming into the Treasury, we know the primary reason to keep the rates on dividends and capital gains relatively low is to give individuals and businesses the opportunity to invest, give businesses the capital they need to expand and create jobs. It expands the economic pie. It improves the standard of living for everyone. All Americans will benefit from keeping the 2003 tax rate on dividends and capital gains in place through the year 2010. I urge my colleagues not to respond to the siren song of raising money to rebuild from the hurricanes by raising taxes. It won't work. It will slow the economy down and that will hurt not only general revenues to the Treasury, but American families and individuals as well.

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

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

CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. ALLEN. On September 3, 2005, America lost one of its greatest public servants when, following a year-long battle with cancer, William Hubbs Rehnquist passed away at the age of 80. At the time of his death, he had been a member of the U.S. Supreme Court for 33 distinguished years, having served as Chief Justice since 1986 and previously as an associate justice, appointed in 1972.

Much of William Rehnquist's professional career was dedicated to public service. He served his country honorably in the U.S. Army Air Corps during World War II from 1943–1946. After his military service, he earned an undergraduate, a masters' and a law degree from Stanford University. Even further demonstrating his intellectual acumen, Rehnquist also graduated with a master's degree from Harvard University and was first in his class at Stanford University Law School. After law school, he became a Supreme Court clerk for Associate Justice Robert Jackson before leaving for private practice in Arizona. In 1969, Justice Rehnquist joined the Nixon administration as an Assistant Attorney General where he served until 1971. That year, President Nixon nominated William H. Rehnquist to be on the Supreme Court; the following year, he was confirmed to be an associate justice by the U.S. Senate.

It was on the Supreme Court that William Rehnquist built his reputation as one of the great legal minds of our time. His tenure on the high court of the land, both as an associate justice and as the Chief Justice, was an extraordinary achievement. I was particularly impressed with his leadership as the head of the entire Federal judiciary, as well as his affable personal demeanor on the bench and off, both of which were important traits in his role as Chief.

I respect immensely the way in which Chief Justice Rehnquist served on the Court with honor and restraint. As a justice, he fairly and properly interpreted the words of the Constitution without usurping the rights of the American people and those of the States to make laws as they deem appropriate rather than allowing unelected judges who are appointed for life to substitute their personal political views for the popular will of the people.

Chief Justice Rehnquist clearly understood that judges ought to apply the law and Constitution, not invent the law or amend the Constitution by judi-

cial decree. And I believe that he perfectly embodied what I consider to be the proper role of a justice and that America should be grateful for his long and distinguished public service on the bench.

Our Nation was so fortunate to have a man of William Rehnquist's intelligence and legal experience in public service for so many years. As a Supreme Court Justice, he was a decent, dedicated, steady, and principled jurist whose legal brilliance and knowledge will be difficult to replace. Chief Justice Rehnquist deserves America's gratitude for his over three decades of dedicated service on the Supreme Court and a life devoted to the service of this great Nation and its citizens.

My condolences go out to his family, in particular his three children, James, Janet, and Nancy, during this difficult time.

May he rest in peace.

Mrs. DOLE. Mr. President, I as deeply saddened to learn of the passing of Chief Justice William Rehnquist. He will most certainly be remembered as one of this Nation's greatest Chief Justices.

During his 33 years of distinguished service on the High Court, Chief Justice Rehnquist served with tremendous wisdom, skill, and intellect. His legacy will be defined by his calm and steady leadership, his staunch defense of the constitution, and his support of an independent judiciary.

Born into a modest home in the Midwest, Rehnquist enlisted in the Army at age 19 during World War II. He went on to have a very impressive academic career, earning bachelor's and master's degrees in political science from Stanford University. In 1950, Rehnquist received a master's degree in government from Harvard University. He later returned to Stanford Law School, where he graduated first in his class and served as the editor of the law review.

After law school, Rehnquist served as a law clerk to Associate Supreme Court Justice Robert Jackson. He then settled in Phoenix, AZ, with his wife Nancy, where he spent 20 years in successful private practice. In 1968, Rehnquist returned to Washington, DC, to serve as President Nixon's Assistant Attorney General in the Office of Legal Counsel. In 1972, William Rehnquist became the 100th Justice of the U.S. Supreme Court.

I expect we will hear much discussion in the coming years about the legacy of Chief Justice Rehnquist. But I am confident that a significant part of his legacy, his strong leadership of the Court, will be unquestionable. President Bush said at Rehnquist's memorial service, "He built consensus through openness and collegiality." Likewise, praise from so many of his colleagues and friends serve as a true testament to William Rehnquist's ability to treat people graciously and fairly, both from the bench and in his personal life.

The praise for his professional life is certainly plentiful, but we know that

most important to William Rehnquist was his family. He was greatly loved as a husband, father, grandfather, and uncle. His daughters Nancy and Janet joked that dating your father was completely underrated, after they had the pleasure of accompanying their father around Washington and on foreign trips after the death of their mother. He was a family man, first and foremost.

Chief Justice Rehnquist deserves our praise and our tremendous gratitude for his dedicated service to this country. Our Nation mourns the passing of this great man. The significant contributions he made, personally and professionally, will certainly be remembered always.

MEDICARE DO NOT CALL ACT OF 2005

Mr. JOHNSON. Mr. President, today I have joined Senator CORZINE to introduce the Medicare Do Not Call Act. I am pleased to cosponsor this important legislation which will protect Medicare beneficiaries from being subjected to telemarketing campaigns related to the new Medicare Part D prescription drug program.

The Part D program will begin in January 2006, and as many of my colleagues are already aware, this program will turn the administration of the benefit over to health insurance companies. Between now and January 1, 2006, Medicare beneficiaries will receive a great deal of information from the Federal Government, insurance companies, and local organizations regarding how to sign up for the program. Many beneficiaries have already received information about the low-income coverage options.

Just last week the Centers for Medicare and Medicaid Services announced which health plans have been approved to offer the benefit. In South Dakota, there will be 18 companies offering the stand-alone prescription drug plan or PDP. Three companies will offer the Medicare Advantage plan, which is an HMO or Health Maintenance Organization type plan.

Starting in October, all of these companies will be allowed to start marketing their plans. While I do think it is important for seniors to have access to information about the various options, I do not think it is OK for these companies to be promoting their products through aggressive telemarketing campaigns. There are plenty of other, less invasive ways for these companies to get information about their Part D product to Medicare beneficiaries and I encourage those efforts, whether they be mailings, holding information sessions or releasing newspaper and television ads.

The Medicare Do Not Call Act would prohibit health plans from telemarketing their new Medicare prescription drug plans to beneficiaries. The bill permits representatives of insurance companies offering the Medicare prescription drug benefit to speak

with and return calls to beneficiaries who initiate contact and permits plans to call beneficiaries that are already enrolled in their plans. The prohibition only applies to solicitation calls. Those companies that violate the law are subjected to criminal penalties for telemarketing fraud related to the program.

I think that this provision is very important, so seniors do not feel their privacy is being violated by constant phone calls from numerous insurance companies calling their homes. It is important that seniors do not feel pressured to choose one plan or another because of persistent telemarketers.

Starting November 15, 2005, all seniors will be able to start selecting which insurance company they would like to administer their drug benefit. It is my hope that between now and then the information sent to beneficiaries is accessible and easily understood. I do have great concern that many seniors are going to feel extremely overwhelmed, confused and frankly very frustrated about the information they receive about the multitude of coverage options. I think that the Medicare Do Not Call Act is one step we can take to simplify the process and help seniors.

While I did not support final passage of the legislation that created this program because of several concerns I have about how it will impact South Dakotans, I still think it is important for seniors to examine this program closely and decide for themselves whether the new Medicare Part D drug benefit will be worthwhile to them. I will continue to work hard to ensure that the people of my State have sufficient information before they are expected to make a decision. I will also continue to support legislation and other initiatives to make improvements to the program and the administration of it.

LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GRASSLEY. Mr. President, today I was forced to place a hold on H.R. 3408 that will reauthorize for 5 years the Livestock Mandatory Reporting Act of 1999, LMPR.

I introduced S. 1617 with Senator HARKIN that will extend the act by one year. S. 1617 passed this body by unanimous consent during the first week of September. Now here we are at the last minute trying to pass the House version before an important GAG report is released.

Last year, Senator HARKIN and I requested a GAO investigation into the accuracy of reported prices by the U.S. Department of Agriculture. We are so close to having this report released that Congress should extend the LMPR by 1 year.

My bill could be easily taken up by the House and prevent LMPR from expiring. This would allow the report to come out and give Congress time to evaluate the recommendations.

There have been several concerns regarding the administration of the program ranging from late filed reports by packers and inadequate oversight at USDA to ensure compliance and enforcement of the law.

I have heard from enough livestock producers to know that there can be improvement to this important law.

I am trying to protect the interests of producers and have stated before that only those entities that fear transparency should be fighting for a 5-year extension with no consideration for GAO's pending conclusions.

DOMESTIC VIOLENCE AND GUNS

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual study of homicide data titled "When Men Murder Women." This year's study analyzed homicide data from 2003, the most recent available, that involved one female victim and one male offender.

The VPC found that in 2003, the majority of women who were murdered were killed with a firearm. In the overwhelming majority of these cases, 77 percent in fact, the male offender used a handgun. The VPC report also revealed that more than ten times as many females were murdered by a man they knew than were killed by a stranger. Of these, 62 percent were in an intimate relationship or married to their killer. According to the report, "Most often, females were killed by males in the course of an argument." These statistics illustrate the tragic role firearms play in domestic violence disputes that escalate into murder.

As my colleagues know, since 1968 it has been illegal for convicted felons, illegal aliens, individuals involuntarily committed to a mental health facility, individuals who have renounced their citizenship, drug addicts, those dishonorably discharged from the military, and fugitives to possess or purchase a firearm. In 1996, we extended the law to the prohibition on firearms to individuals who were under a domestic violence restraining order and those who had previously been convicted of a domestic violence misdemeanor.

Unfortunately, these efforts continue to be undermined by Congress' failure to close the "gun show loophole." Under current law, when an individual buys a firearm from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, providing prohibited purchasers, including those who have previously been convicted of domestic violence crimes, with potential easy access to dan-

gerous firearms. Such firearms could later be used to murder a wife or girlfriend in a moment of rage or jealousy.

The VPC demonstrates that the Congress should do more to help protect women from gun violence. I urge my colleagues to join me in support of funding for domestic violence prevention programs as well as legislation to close the gun show loophole.

THE NEED FOR STRONG LEADERSHIP

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to work with me and all those who support the belief that only through strong leadership will government be able to respond to the needs of its citizens. This week, I participated in the Homeland Security and Governmental Affairs hearing on dealing with the aftermath of Hurricanes Katrina and Rita. I want to share a statement made by the Honorable Dan Coody, Mayor of Fayetteville, AR, who said:

I've always believed that any program or process will succeed or fail based on the leadership in that program. And I think that from the very top to the very bottom—speaking at the micro level—there needs to be a system put in place where we hire the most qualified, most knowledgeable people for the job—that want to do the job—and put them in a position where they can lead.

Mayor Coody's remarks underscored my expectations that Federal agencies must be led by experienced and qualified senior leaders in order to ensure that agencies meet their mission. The same evening as our Committee hearing, I was privileged to present the 2005 Service to America Medal Federal Employee of the Year award to Orlando Figueroa, the Deputy Associate Administrator for Programs, Science Mission Directorate, at the National Aeronautics and Space Administration. Mr. Figueroa led the Mars Exploration Rover Project to success under technical challenges and time constraints. He and his team at the Mars Exploration Rover Project created a mobile science lab was used to conduct remote exploration on the surface of another planet, which allowed the exploration of regions beyond the original landing site. This fantastic accomplishment has produced a wealth of scientific discoveries revealing Mars as a potential habitat, and I told Mr. Figueroa that to me, these discoveries spark the imagination, fuel the human spirit, and inspire us to pursue even greater things. Mr. Figueroa exemplifies leadership.

The Federal Government is fortunate to have a cadre of career executives selected for their leadership, who are members of the Senior Executive Service, SES. To become a member of the SES, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions or having communication skills.

SES candidates demonstrate these qualifications through experience in key executive skills 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. Political appointees are not required to meet these qualifications, however, but it would be difficult for any agency head to succeed without them.

A recent Princeton University review, authored by Mr. David Lewis, underscored the need for political appointees to have such skills. He used the Program Assessment Rating Tool, PART, to analyze the relationship between political appointees and Federal manager performance. As my colleagues know, PART was designed by the Administration to measure program performance at Federal agencies. A PART review helps identify a program's strengths and weaknesses to inform funding and management decisions aimed at making the program more effective.

Mr. Lewis found that programs run by politically appointed managers receive systematically lower grades than those run by career managers and that the varied backgrounds of political appointees do not always translate into them being successful managers. Mr. Lewis' research shows the need for greater management experience and subject matter expertise for political appointees.

Comptroller General David Walker said in a September 21, 2005, interview with Federal Times that "for certain positions, given the nature of the position, there should be statutory qualification requirements for any nominee." I agree. Looking at the shortfalls in leadership at the Federal Emergency Management Agency and the high number of political appointees at FEMA for the size of the agency, it is obvious that the political appointee-laden management structure may have created numerous problems, especially in the area of recruiting and retaining top emergency services personnel and the inability to stay focused on the agency's core mission of disaster preparedness and relief.

There must be trust and integrity in Government and most of all in our leaders. The crises we face at home and abroad demonstrates the need for highly qualified individuals to lead our Government. There must be the right

people, at the right place, at the right time, with the right skills. This is especially true at Federal agencies who need senior leaders, with management skills and subject matter expertise. More importantly, there should be an institutional loyalty and cultural sensitivity in working for the American people as a Federal employee.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

On December 10, 1999, a 34-year-old man walked into the Fort Myers, FL, home of a 91-year-old disabled woman and sexually assaulted her. According to police, the man knew the victims family and attacked her because of her disabled state.

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

TRIBUTE FOR LIEUTENANT GENERAL JOHN ROSA, UNITED STATES AIR FORCE

Mr. ALLARD. Mr. President, I rise today to pay tribute to the 32 years of outstanding military service LTG John Rosa has given our Nation.

General Rosa started his career in the U.S. Air Force in 1973 after receiving his commission from the Citadel in Charleston, SC. As a combat pilot, General Rosa accumulated more than 3,600 flying hours in the A-7, the A-10, F-16, F-117A Stealth fighter, and numerous other aircraft. In 1985, General Rosa received his masters degree from Golden Gate University. In the years that followed, General Rosa served as operations group commander and three times as wing commander.

Yet, as I think General Rosa might readily admit, his most difficult assignment began when he became the Superintendent of the U.S. Air Force Academy. Under ordinary circumstances, overseeing the academic progress and military training of more than 4,000 cadets can be a challenging experience. Unfortunately for General Rosa, he came to the Air Force Academy under anything but ordinary circumstances.

Two years ago the Academy underwent a very difficult period in which many current and former cadets came

forward with allegations of sexual assault. This scandal was tumultuous and resulted in four senior leaders of the Academy being dismissed from their duties.

General Rosa was asked to step into a situation that seemed to be spinning out of control. His senior leadership team was just as new as he was, and the Air Force leadership and Congress were relentless in their demands for results.

Despite these circumstances, General Rosa did not hesitate to take action. He invited outside investigative organizations to come to the Academy and review the institution's policies and procedures for addressing sexual assaults. He opened up the Academy and its cadets to the media, to Congress, and to the school's board of visitors. Most importantly, General Rosa admitted that the Academy had a very serious problem and that sweeping it under the rug was not an acceptable response.

Less than a year later, General Rosa was again in the spotlight when the Academy found in its cadet surveys that inappropriate religious expression had become a problem. Instead of ignoring the surveys, General Rosa did the opposite. He released them to the public and launched a comprehensive review on how the Academy approached religious expression. He tackled the problem, investigated it thoroughly, and began instituting the changes that were necessary.

In his 2½ years of service, General Rosa made the Academy look in the mirror and see the strengths and weaknesses of the institution for what they are. The Academy is a proud institution, and it is difficult to think that something as terrible as sexual assault and religious intolerance might occur there. Yet General Rosa was never comfortable with the status quo or with a closed-door approach. He pushed and pulled to get better results, and his methods were open and transparent.

General Rosa forced the Academy, its cadets, its faculty, and even its alumni to face a reality that some did not want to acknowledge. He forced the institution to make changes that were necessary, justified, and in the best interest of the Air Force. Through this process, the Academy raised its standards and slowly became the model institution that we all have come to expect and American taxpayers require.

Under General Rosa's leadership, the Air Force Academy is now a source of guidance for other military academies and universities. Indeed, the Department of Defense is now turning to the Academy for direction on how to formulate the Department's sexual assault and religious expression policies.

Although the Academy is not perfect and problems still exist, I strongly believe the U.S. Air Force Academy has, under General Rosa's leadership, become a much better place. I commend General Rosa for taking on this unbelievably difficult mission and for his outstanding service to our Nation. And

I also commend his family for standing by him as he worked tirelessly to repair and strengthen the reputation of one of America's premier training institutions.

Thank you for the opportunity to honor the service of one of America's finest military officers. I wish General Rosa and his family the best as he begins his new career as President of the the Citadel.

TRIBUTE TO IOWA STATE SENATOR MINNETTE DODERER

Mr. HARKIN. Mr. President, former Iowa State Senator Minnette Doderer, who passed away last month, was one of the true giants of Iowa politics. Born into very humble circumstances in Holland, IA in 1923, she served 12 terms in the Iowa House and two terms in the Iowa Senate, where she was the first woman to serve as President pro tempore.

Martin Luther King once said that "Life's most urgent and persistent question is: What are you doing for others?" During a long, feisty, and distinguished career in Iowa politics, Senator Doderer answered that question in spectacular fashion. She was a mentor and role model for women all across our State, a passionate champion of the Equal Rights Amendment, and an indomitable advocate for the poor, the neglected, and the voiceless in our State.

Some people run for public office to be somebody. Senator Doderer ran in order to get things done. She saw injustice, discrimination, and sexism, and she fought it with tremendous skill and courage. Above all, she made a practical difference, especially for women. She championed and passed legislation on equal rights, rape law reform, child care, and juvenile justice laws that made a concrete, tangible difference in the lives of Iowans.

Minnette Doderer was passionate about her family and her friends. She was a tough, tenacious fighter for what she believed in. She cared deeply about justice and fairness for ordinary people. Most of all, she was a good, decent, humane person—the kind of person that makes Iowa such a special place.

I valued Minnette's friendship and counsel. Though I regret she is no longer with us, I celebrate the living legacy she left behind: a better, fairer, more just and equal Iowa, especially for our daughters. May she rest in peace.

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, 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. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

H.R. 3824. An act to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions:

H. Con. Res. 178. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

H. Con. Res. 245. Concurrent resolution expressing the Sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group, in addition to Mr. MANZULLO of Illinois, chairman, and Mr. MCCOTTER of Michigan, vice chairman, appointed on March 8, 2005: Mr. OBERSTAR of Minnesota, Mr. SHAW of Florida, Ms. SLAUGHTER of New York, Mr. STEARNS of Florida, Mr. ENGLISH of Pennsylvania, Mr. SOUDER of Indiana, Mr. TANCREDO of Colorado, and Mr. LIPINSKI of Illinois.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House on yesterday, September 29, 2005, was signed subsequently on today, September 30, 2005, by the President pro tempore (Mr. STEVENS):

S. 1752. An act to amend the United States Grain Standards Act to reauthorize that act.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3824. An act to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 178. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the

United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1802. A bill to provide for appropriate waivers, suspensions, or exemptions from provisions of title I of the Employee Retirement Income Security Act of 1974 with respect to individual account plans affected by Hurricane Katrina or Rita.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 30, 2005, she had presented to the President of the United States the following enrolled bill:

S. 1752. An act to amend the United States Grain Standards Act to reauthorize that Act.

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 Mrs. LINCOLN (for herself and Mr. TALENT):

S. 1804. A bill to provide emergency assistance to agricultural producers who have suffered losses as a result of drought, Hurricane Katrina, and other natural disasters occurring during 2005, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself and Mr. WYDEN):

S. 1805. A bill to repeal the increase in micropurchase authority for property and services for support of Hurricane Katrina relief and rescue operations; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1806. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and dispose of nuclear waste; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. TALENT, Mr. KENNEDY, Mr. CORNYN, and Mr. BAYH):

S. 1807. A bill to provide assistance for small businesses damaged by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN:

S. 1808. A bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. REID, Mr. CORZINE, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. SCHUMER):

S. Res. 262. A resolution condemning the statements of former Education Secretary William J. Bennett; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, and Ms. MURKOWSKI):

S. Con. Res. 56. A concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 569

At the request of Ms. SNOWE, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 569, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 910

At the request of Ms. SNOWE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1403

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor

of S. 1403, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) 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. 1700

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

S. 1725

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1793

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. CON. RES. 37

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself and Mr. WYDEN):

S. 1805. A bill to repeal the increase in micropurchase authority for property and services for support of Hurricane Katrina relief and rescue operations; to the Committee on Homeland Security and Governmental Affairs.

Mr. DORGAN. Mr. President, Senator WYDEN and I are introducing legislation today to change a provision in law that was attendant to the emergency supplemental passed recently dealing with hurricane Katrina. That provision in law increased the amount of money that would be available to be spent on a Government credit card from \$2,500 to \$250,000. That is right—\$250,000 for purchases on a Government credit card.

Here is what a Government credit card looks like. There are about 390,000—somewhere in that neighborhood—390,000 Government credit cards in the country. I have three GAO reports that describe substantial abuse and misuse of these Government credit cards.

The proposal that passed this Congress attendant to the hurricane emergency relief says that on these credit cards, the limit will go from \$2,500 to \$250,000. Let me describe for a moment what the GAO found in various investigations.

What has been charged to a Government credit card? Hiring prostitutes, gambling, breast-enlargement surgery—yes, it was for a girlfriend of somebody who had a Government credit card—cigars, mounting a deer head, jewelry, wine, and the list goes on.

Now the limit goes to \$250,000. We aim to take it back to \$2,500. It will still have the emergency capabilities that existed since 9/11 which will allow a \$15,000 limit under emergencies.

We had a hearing at which a professor from GW Law School who is an expert in this area of Government procurement testified. Here is what he said about the \$250,000 credit card limit:

The potential for abuse is staggering.

Everybody knows that: "The potential for abuse is staggering." If you don't believe it, take a look at the GAO reports with respect to the abuse when the limit was \$2,500. Now it is \$250,000 for a credit card purchase? Who is going to stand up for the interest of the taxpayers?

This fellow, Mr. Safavian, was the top contracting officer for purchases of

the Federal Government. He just said several weeks ago about the \$250,000:

This guidance—

That he and OMB would provide—

This guidance helps make sure that adequate management controls are in place to ensure that taxpayers' dollars are spent efficiently and responsibly in support of disaster victims.

Meaning the new \$250,000 on credit cards will be spent efficiently and responsibly. That is from David Safavian, Director of the Office of Procurement and Policy. The problem is, Mr. Safavian was arrested by the FBI on September 19 and charged with lying to an ethics officer and so on. He is the guy who gave us the assurance that taking the credit card from \$2,500 to \$250,000 will be just fine because there are all these limits in place and it will be spent wisely and efficiently. Yes, and the Moon is made of green cheese.

Who is going to believe this, especially when we have the GAO reports that show past abuses with even the \$2,500 limit, which includes the hiring of prostitutes on Government credit cards? It includes breast-enlargement surgery on Government credit cards. When on Earth will people wake up and start thinking?

So Senator WYDEN and myself are today introducing legislation to say, How about let's sober up and think through this the right way on behalf of the American taxpayers.

We want to help hurricane victims, no question about that. But I do not want people walking around with credit cards that have a \$250,000 limit that say U.S. Government on them, in a way that the GAO says puts us at risk and in a way that Government procurement experts tell us is very dangerous for the American taxpayer.

I am pleased to do this with my colleague, Senator WYDEN. For the past several years, Senator WYDEN and I have taken a look at a whole range of wasteful issues. I might just say that Senator WYDEN and I, a while back, found deep in the bowels of the Pentagon there was a plan to create what was called a futures market for terrorism. I think they were preparing to spend another \$8 million on it. And, yes, they were going to actually have a futures market for terrorism so that people could make wagers buying futures contracts on things such as how many American soldiers will be killed in the next year, will the King of Jordan be assassinated within the next year. One could actually wager and make money by betting on those kinds of things.

Senator WYDEN and I blew that wide open. The next day, both Secretary Rumsfeld and the President said they did not know it was going on. They shut it down and it is all over. In my judgment, that was unbelievably stupid as a public policy, whoever allowed that to happen. It is now shut down.

A lot of bad things happen in circumstances where no one is watching. In this case, with credit cards that

have a \$250,000 limit, there is something fundamentally wrong with that. I do not know who put that in the emergency supplemental. It should not have been there. But it was there. We aim to repeal it on behalf of the American taxpayer.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I would be happy to yield to my friend from Oregon.

Mr. WYDEN. I appreciate my colleague yielding to me and particularly highlighting the need for some real accountability and protection for the taxpayers at this time. We are seeing expenses for the Government—the war in Iraq, the various disasters that have hit—exploding to the point where people are saying, well, let us hold off on giving senior citizens some help with their prescription drugs.

I think what the Senator is saying is, before one takes those kinds of steps, put the brakes on the opportunity for ripping off taxpayers.

I want to ask the Senator a question that really stunned me. There are now about 392,000 Federal employees who have these credit cards across the country. We have been trying to figure out how many folks have them on the gulf coast and how many of the folks have this \$250,000 authority. The two of us feel very strongly that there are a lot of dedicated people down there who are working very hard and nobody is suggesting otherwise, but what possible argument would there be for not having something along the lines of some guardrails to try to make sure that people did not abuse these credit cards?

That strikes me as a pretty modest step, just have some guardrails rather than saying, look, go out and take \$250,000 worth of authority and we will see what happens.

Mr. DORGAN. Mr. President, in answer to the Senator's request, he is asking that of perhaps 390,000 credit cards that exist in the possession of Federal workers, do we know how many have this \$250,000 limit? We do not have the foggiest idea.

The Senator indicated we want to help people who are dealing with the hurricane. Our interest is not in pulling the rug out from under people who are working and trying to respond to the devastation of these hurricanes, but I am not interested in paving the way for additional waste, fraud, and abuse with the misuse of Federal credit cards.

Yes, there are thousands of dedicated public servants who will use these responsibly, but increasing the limit from \$2,500 to \$250,000, in my judgment, is fundamentally irresponsible, and we aim to take it back with this amendment and aim to offer this amendment to the next supplemental that deals with this hurricane.

I will yield the floor so my colleague from Oregon can have the floor, and I would like to propound a question at some point later when he finishes his statement.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, it seems to me that the bottom line is we want Federal workers in the hurricane zone to have all the tools they need to get the job done. But a month after the hurricane hit, we do not need \$250,000 worth of authority on a credit card. One needs permission to spend that kind of money. The fact is, under the current rules one can have it when they need it, just not on a credit card where they do not even have to ask. This is a commonsense step.

Senator DORGAN indicated if somebody needs to spend more than \$15,000 a shot, there are already streamlined, simplified acquisition procedures in place to let them do that. Those procedures at least have some oversight. The two of us supported the Katrina bills that came through the Congress. We support the rule that was already in place that increases the spending power of these cards by a reasonable amount in an emergency from \$2,500 to \$15,000. What the two of us feel strongly about and what we do not support is how can one support excessive spending without any safeguards at all?

We heard from a Dr. Yukins at George Washington that there is extraordinary potential for abuse here. Dr. Yukins said it was staggering.

In looking at Government waste at a variety of agencies, Senator DORGAN and I have come to the conclusion that when one is talking about the Department of Homeland Security, when one is talking about the Federal Emergency Management Agency, and when one is talking about the Department of Defense, what one needs is more accountability and more oversight rather than less.

In Homeland Security, we have seen massive outlays for ineffective programs to hire the TSA screeners. At FEMA, it is hard to know where to start there, but folks may have heard on public radio yesterday that a Government Accountability Office audit more than a year ago said that only one in several dozen FEMA employees could prove that they had done the proper paperwork for procurement authority.

When it comes to Iraq, all one needs to do there is talk about Iraqi contracts. Senator DORGAN and I have tried to put in place some oversight and some accountability there, and we will continue on that as well. So this is not the only avenue for abuse of taxpayer dollars. If one wants to come to the floor and talk about no-bid contracts and the like, there is plenty to dig into in terms of more oversight and more accountability for our taxpayers. This is a commonsense step that the Senate can take.

I have listened to Senator COLLINS on this issue, as well as Senator GRASSLEY. A number of colleagues on both sides of the aisle have expressed concern about this in effect blank check to use credit cards, and use them on some pretty high ticket items.

I am going to yield the floor back to Senator DORGAN, but given the fact that there is a catalog of abuses—this happened outside the hurricane zone before anybody knew about Katrina—let us now deal with an emergency, let us recognize that there are different spending needs given that emergency, but let us also make sure that there are some safeguards in place to make sure the taxpayers' interests at a critical time when costs in Government are exploding, let us make sure there are some safeguards in place to protect the public.

I yield the floor.

Mr. DORGAN. Mr. President, I conclude by pointing out that, yes, others have described their concern about the \$250,000, and some have talked about a \$50,000 limit and other approaches. Senator WYDEN and I say that we ought to go back to the old limit, \$2,500 per credit card per transaction. That is why we introduced this legislation and hope that our colleagues will agree.

Again, this is what the credit card looks like. There are nearly 400,000 that are possessed by Federal workers. We do not allege that these are not dedicated public servants. We do allege that at least in some instances, according to three GAO reports, there have been massive abuses. These are just a few.

I put up another chart about them: Liquor, gambling, mounting a deer head, cigars, ski clothes and diamond rings, not to mention hiring prostitutes and breast enlargements—all put on Government credit cards.

Does that make a person look and pay attention? Of course. Should that be happening? Of course not.

The \$250,000 limit on the credit card, this is what Professor Yukins said, who is an expert in these areas:

[T]he Administration has announced various protective measures. . . . It appears, however, that those additional protections will not address the core problem with the new procurement exceptions: Under the new law, agencies will be able to spend billions of relief dollars without any of the competition, transparency or other legal rules that normally protect our procurement system.

I ask my colleagues how this got into the supplemental bill, taking it from a \$2,500 to a \$250,000 limit on a Federal Government credit card. How did that happen? When one looks at that they say: Wait a second, we are going to increase the limit on a credit card from \$2,500 to \$250,000? What on Earth are you thinking about?

Well, it came from the White House. The White House made the specific request, believing in the wake of Hurricane Katrina people were going to need emergency capabilities to do these kinds of purchases. So the White House said they wanted an increase to \$250,000. The person they sent down to brief staff in the Senate of how this would work and why it is necessary was Mr. David Safavian. He was the head of all procurement policy at the Office of Management and Budget in the White House.

What did he tell us publicly and what did he tell the American people? "This guidance"—guidance about procurement with the \$250,000 limit on a credit card:

This guidance helps make sure that adequate management controls are in place to ensure that taxpayers' dollars are spent efficiently and responsibly in support of disaster victims.

That was said 2 weeks before Mr. Safavian's arrest by the FBI for lying. This is the person who came to brief the Senate staff about why the \$250,000 limit on credit cards was necessary.

It not only is not necessary, it is terribly unwise. In my judgment, unless changed, from this we will see a dramatic amount of waste, fraud, and abuse. There is a right way and a wrong way to do things. I guarantee this proposal to increase credit card limits for Federal employees to \$250,000 is the wrong way.

Senator WYDEN and I are going to do everything we can to see if we cannot in more sober moments persuade everyone here that we ought to go back to the previous limits and that we ought to enforce them the right way. The GAO's reports say that even with the \$2,500 limits, there are serious problems with the use of these Federal credit cards.

That is our proposal. I want to thank my colleague from Oregon with whom I have worked on a number of occasions on many areas of Federal waste. Yes, this is a big old government, a big bureaucracy. There are wonderful people who work in it, and it does wonderful things. There are also areas of waste that make me furious. Senator WYDEN and I have worked on that in a number of areas, in a number of ways, and I hope we can continue to do that. This is a preventive way to try to restore that \$2,500 as a limit on Federal credit cards.

I yield the floor.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. TALENT, Mr. KENNEDY, Mr. CORNYN, and Mr. BAYH):

S. 1807. A bill to provide assistance for small businesses damaged by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to bring to the attention of the Senate a bill, the Small Business Hurricane Relief and Reconstruction Act of 2005, which provides a comprehensive package for immediate emergency resources to help the victims of Hurricane Katrina rebuild their lives and their businesses.

As we are well aware, the entire gulf coast of the United States has been ravaged by the disaster of Hurricane Katrina. No natural disaster in this country in recent memory has carried with it the devastation and horror we have witnessed in the recent weeks.

Many lives have been lost and damages are projected in the hundreds of billions of dollars. The President and Congress have already provided over \$61 billion in emergency funds.

While we work to reestablish communities and provide some stability to the affected areas, we must consider the enormous economic impact this catastrophe has had on the region and on our entire Nation. This impact is particularly pronounced for the vital small business sector. With over 800,000 firms damaged in the hurricane-affected region, employment in the Louisiana, Mississippi and Alabama area may be reduced by over a million jobs! Moreover, our economy which has recently recovered from recession, thanks largely to our small businesses which have created three-quarters of all new jobs, could be dampened by as much as a full percentage point.

As chair of the Committee on Small Business and Entrepreneurship, I am committed to do everything in my power to provide immediate and necessary support to rebuild this region and to help sustain our economy. I want to ensure that every American affected by this hurricane has the resources to begin rebuilding their lives, their businesses, and their dreams.

I would like to thank my colleagues, Senator KERRY, Senator VITTER, Senator LANDRIEU, Senator TALENT, Senator KENNEDY, Senator CORNYN, and Senator BAYH, for cosponsoring this bill. This bill includes all of the provisions that were in prior hurricane relief legislation that I introduced with Senator VITTER and Senator TALENT but also includes several additional provisions and improvements to pre-existing provisions.

The provisions of this bill were contained in an amendment that I proposed, amendment No. 1717, to the Commerce, Justice, and Science Appropriations Act of 2005, H.R. 2862. I would like to thank my colleagues, Senator KERRY, Senator VITTER, Senator LANDRIEU, and Senator TALENT, for cosponsoring that amendment. The amendment was approved in the Senate by a rollcall vote of 96 to 0 on September 15, 2006, and subsequently passed the Senate in the Commerce, Justice, and Science Appropriations Act on that same day.

Senator VITTER, Senator TALENT, and I also introduced the provisions of S.A. 1717 as a stand-alone bill, S. 1724, on September 19, 2005. We took this step in order to begin the process of enacting these provisions into law more quickly than might occur through the Commerce, Justice, and Science Appropriations Act, which must still complete its Senate-House conference.

Today we are introducing an expanded package of provisions to increase the assistance provided to victims of the hurricane, who require immediate assistance. Because the Federal Disaster Loan program administered by the Small Business Administration issues disaster loans to businesses, homeowners, and renters, this

legislation would have a significant impact on many facets of the efforts to rebuild the areas damaged by Hurricane Katrina.

Because of the importance of this rebuilding challenge, I chaired a hearing in the Committee on Small Business and Entrepreneurship on September 22, 2005 to address the impact that Hurricane Katrina and Hurricane Rita have had on small businesses. At that hearing, the Committee heard testimony from the Administrator of the Small Business Administration, Hector Barreto, who explained the unprecedented scope of the SBA's response to these disasters. In addition, the director of the SBA's Disaster Assistance Program, Herb Mitchell, testified about the SBA's actions thus far, and its plans for the continuing recovery.

The committee also heard testimony from seven representatives of small businesses, and of small business development centers, in the gulf coast region. These witnesses, who traveled from Louisiana, Mississippi, and Alabama for the hearing, described to the committee the devastation that has occurred to their businesses and communities and various steps they believe would assist in the rebuilding process.

Many of their recommendations were contained in the legislation I had introduced last week, S. 1724, and the legislation I am introducing today includes other provisions stemming from the committee's hearing and their testimony.

The Small Business Administration is and must be at the forefront of this massive relief effort, playing a significant role in assisting impacted communities. This bill will strengthen the SBA's resources and will enable them to pave the pathway to recovery. I have faith that American small businesses will persevere through these difficult times and help lead the region's recovery. It is essential that we work together here in Congress, and put forth the best possible proposal to stimulate our economy and foster job growth.

I have spoken with SBA's Administrator Barreto concerning the various ways to respond to this disaster and assist with the recovery. He informed me that FEMA has referred over 500,000 cases for loan assistance to the SBA, and that the SBA is receiving up to 20,000 calls per day. This is a tremendous volume and a vital challenge that the SBA must satisfy. To date, the SBA has sent out almost 500,000 applications for loans to individuals and businesses, and has received 810 loan applications as of Monday morning, which demonstrates that much assistance is yet to be provided by the SBA. Therefore, it is critical that we act now.

I have included many provisions in my bill that would assist hurricane victims applying for SBA disaster loans. My legislation increases the maximum size of an SBA disaster loan from \$1.5 million per loan to \$10 million per loan

and makes it possible for non-profit institutions damaged by Hurricane Katrina to be eligible for disaster loans.

I firmly believe this legislation is the best possible package to aid families, businesses, and communities through these challenging times. Small businesses must have a fighting chance to survive the economic disaster caused by Hurricane Katrina.

For instance, the bill increases the share of small businesses in Federal prime contracts and subcontracts for rebuilding the damaged areas through meaningful goals, set-asides, subcontracting plans, outreach programs, and HUBZone preferences.

The legislation also allows recipients of disaster loans to increase the size of their loan if the additional amounts would be spent on mitigation efforts, such as sea walls, storm shutters, or better drainage system to prepare for future disasters. This provision was suggested by the administration in its proposal to rebuild the gulf coast region.

The bill also allows the Small Business Administration to offer economic injury disaster loans to small businesses throughout the country if the businesses suffered direct adverse economic impacts from the two hurricanes. The SBA offered these loans nationwide after the terrorist attacks of September 11, 2001.

In addition, the bill protects future borrowers in the SBA's business loan programs from having to pay higher fees to compensate the Federal Government for any defaults that may occur because the businesses of some current borrower who had loans before the hurricane were destroyed in the hurricanes. SBA business loan programs utilize fees to pay for all or part of the programs' costs, and those businesses that default because of the hurricanes would not be included in the calculation of future program costs in the SBA's business loan programs.

The bill addresses concerns about fraud and lack of competition by abolishing the excessive increase in the "micro-purchase" threshold to \$250,000. This increase, slipped into the second hurricane Supplemental Appropriations Act in September 2005, allowed Federal officials to ignore small businesses in awarding contracts up to \$250,000. Micro-purchases are generally strictly limited to \$2,500 and to \$15,000 in case of nuclear attack or military contingency. These purchases allow for convenient credit card transactions by the Federal Government, but are vulnerable to fraud and favoritism.

I have also provided the SBA with the authority to grant victims of Hurricane Katrina up to 12 months to begin repaying their SBA disaster loans which would assist both small and large businesses, homeowners, and renters. This 12-month period could be extended to 24 months at the discretion of the SBA Administrator if he determines that Katrina victims would need

additional time to begin repaying their loans. This would allow also homeowners and businesses additional time to get their lives and businesses restored before being required to begin repaying loans.

This legislation also proposes lowering fees for the 7(a) program to make borrowing more affordable for small businesses both within and outside the disaster areas, many of which have been impacted by the disaster and are struggling to cover higher costs in health care and energy and rising interest rates.

Recognizing the increased demand this disaster will place on all small business lending programs, the amendment proposes increasing the 7(a) lending program from a program level of \$17 billion to \$27 billion, and the 504 lending program from a program level of \$7.5 billion to \$12.5 billion. Both the 504 and 7(a) lending programs are funded entirely through fees, so the increases require no appropriation.

Moreover, this bill increases the program level for SBA disaster loans—physical and economic injury—by approximately \$800 million, requiring an appropriation of approximately \$86 million. The committee is concerned there will not be enough funding for disaster loans available to meet the scope of this disaster, given that the economic injury disaster loans alone for the September 11 attacks amounted to about \$1 billion, and the physical damage for Katrina is considered much more extensive.

The bill also includes a provision requiring the SBA to treat these special provisions as separate from the regular programs, to avoid increasing future subsidy rates, and therefore, the costs for borrowers who rely on those programs. This same protection was provided for emergency 7(a) loans after the September 11 attacks, and for the special disaster loans made after those attacks.

Additionally, many small businesses in the disaster areas will require relief from making payments and interest on 504 loans they had before Katrina hit. Therefore, this amendment includes a provision that authorizes the SBA to cover the payments and interest on existing loans until the small business can resume payments.

Similar to the Supplementary Terrorist Activity Relief, STAR, loans enacted by Congress after September 11, this bill allows the SBA to provide similar loans with lower fees for small businesses located outside the disaster zones but are nonetheless indirectly impacted by Hurricane Katrina. The lowers fees also provides the lenders with an incentive to lend to these businesses.

Importantly, the bill includes protections to mitigate recent reports of past misdirection of loans to nondisaster victims. The protections include requiring lenders to inform borrowers that they are receiving Katrina relief loans, requiring lenders to document to

the SBA how the borrower was adversely affected by Hurricane Katrina, and for the SBA's inspector general to collect the explanations and report to the Senate Committee on Small Business and Entrepreneurship and House Committee on Small Business every 6 months, verifying loans are being used for the intended purposes. Finally, the bill would require the Government Accountability Office to review the implementation of the program, after its completion, and report its findings to Congress. These added protections will ensure that only applicants who really need these loans to recover from the horrific effects of Hurricane Katrina and Hurricane Rita will receive the loans.

Furthermore, the legislation authorizes \$450 million to the affected State governments of Louisiana, Mississippi, Alabama, Texas, and Florida to provide emergency bridge loans or grants to small businesses in the disaster areas that have been adversely impacted by Hurricane Katrina and require immediate access to capital until they can secure other loans or financial assistance. The goal is to disburse the funds quickly, and this measure is based on a successful program that helped victims of the hurricanes in Florida in past years.

With the cost of Katrina relief and rebuilding estimated at over \$100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of Federal contracting and subcontracting dollars. My bill also attempts to provide critical assistance to small businesses that have been operating in the areas devastated by the Hurricane Katrina by expanding access to Federal contract and subcontracts.

Government projects provide solid business opportunities and prompt, steady pay for small businessmen and businesswomen. In addition, Government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in the gulf coast areas. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana brought home nearly \$500 million in Federal contracts a year. Total small business contracts in the gulf coast region exceeded \$3 billion a year. While many small businesses would benefit from other forms of disaster assistance, many of them are ready to get back to work and into business as soon as possible.

To that end, my bill designates the Hurricane Katrina disaster area as a HUBZone. A HUBZone designation would enable small businesses locating in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. The HUBZone program was created to direct federal contracting dollars to economically distressed areas. Extending the HUBZone designa-

tion to the gulf coast would bring needed businesses development tools to affected areas.

In addition Mr. President, my bill would increase the maximum size of SBA surety bonds for small businesses from \$2 million to \$5 million, and authorizes the SBA to increase the size of these bonds further to \$10 million. Small contractors vying for work need an increase in bonds to handle greater projects for Hurricane Katrina relief. Local small businesses in the gulf coast can use higher bonds to compensate for the damage to their assets from the hurricane.

My bill would also direct the SBA, its resources partners, and the Federal offices of small and disadvantaged business utilization to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area. Finally, my bill would establish small business contracting and subcontracting goals for all Katrina-related contracts and subcontracts to promote greater jobs creation and development, while providing reasonable flexibility to Federal agencies in meeting that goal in light of difficult circumstances on the ground.

Finally I would also like to comment on the funding levels provided for the SBA in this bill. I have authorized the appropriation of \$24.25 million for grants to increase business counseling in the damaged areas for several SBA entrepreneurial development programs including: Small Business Development Center, SBDCs; SCORE; Womens Business Centers, WBCs; Veteran's Business Centers, and Microloan Technical Assistance.

Our Nation's 25 million small businesses prove time and again to breathe new life into our economy, by growing at twice the rate of all firms. And when a disaster strikes, the spirit, determination and will of America's small businesses help to create the firm economic foundation, propelling our Nation's economic growth. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this emergency package to the SBA. We must allow our Nation's small businesses to do what they do best—create jobs.

Mr. President, I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Congress must find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

Thank you, Mr. President.

Mr. KERRY. Mr. President, today I join with Senator SNOWE, the chair of our committee, and our colleagues, Senators LANDRIEU and VITTER, to introduce a bill to help small businesses that have been damaged, physically and economically, by one or both of the

hurricanes that have destroyed the gulf region over the past four or five weeks.

Our colleagues should feel very comfortable voting for this bill. The need is undeniable, based not only on what we see on television every day and read in the papers but also based on the testimony of small businesses and governors at hearings held in the Senate, in our committee last week, and this week before the Finance Committee. Further, 96 Senators voted for very similar legislation 2 weeks ago.

This bill is very similar to the amendment (S.A. 1695) that Senator LANDRIEU and I offered to the fiscal year 2006 appropriations bill for the Departments of Commerce, Justice, and Science, and that passed the Senate by a vote of 96 to 0 on September 15 as part of the compromise amendment (S.A. 1717) that I put forth with Senators SNOWE, LANDRIEU, and VITTER. We offered those amendments to the appropriations bill because relief for small businesses had not been provided for in the two emergency supplementals. Two bills, worth some \$63 billion, and nothing designated for small businesses.

It is through the Small Business Administration that disaster loan assistance is available, not just for businesses but for homeowners and renters, and it is through the Small Business Administration that the Federal Government provides the full complement of assistance to the small businesses in our Nation. The SBA is indispensable to the recovery of the gulf region after Hurricane Katrina. If the administration is not going to provide small business relief in the emergency spending bills it sends to Congress, this is absolutely appropriate.

We have got to get into law, and to fund, relief for small businesses before Senators go home for a week break in October. These folks have waited too long. We have got to get people back to work.

Since Hurricane Katrina hit, the gulf has had the extreme misfortune of being hit by Hurricane Rita. And this bill reflects the damage caused by going a bit further to take care of those small businesses, too. It also incorporates provisions requested by the administration. For example, at the request of the administration, the bill authorizes the Small Business Administration to make economic injury disaster loans nationwide to any small business directly and adversely impacted by Hurricane Katrina or Hurricane Rita. The bill limits eligibility of economic injury disaster loans to those small businesses suffering economic losses because of the spikes in gasoline and natural gas and heating oil related to Hurricanes Katrina and Rita. That is consistent with all other provisions in this bill. We also increased the amount of funding for grants to the States from \$400 million to \$450 million, to reflect the increased damage and delays in recovery caused by Hurricane Rita. We also repeal some contracting provisions enacted as part of

the second supplemental that were anti-small business and would have resulted in millions of contracting dollars lost for small businesses that should be getting Federal contracts to rebuild the area. The small businesses don't just need loans; they need work to get revenue flowing again and to hire again, creating local jobs.

Mr. President, I extend great thanks to my colleagues, Senators SNOWE, LANDRIEU, and VITTER for their work on this bill. I think we have demonstrated to a weary public that we can work together, and I hope that our colleagues in the Senate and in the House and the President will join us and vote to make this law and to fund it.

By Mr. BINGAMAN:

S. 1808. A bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the "Medicare Beneficiary Assistance Improvement Act." This legislation would improve what are referred to as the Medicare Savings Programs, which includes the Qualified Medicare Beneficiary, QMB, and Specified Low-income Medicare Beneficiary, SLMB, and Qualifying Individual-1 (QI-1) programs that provide cost-sharing assistance for low-income Medicare beneficiaries through the Medicaid program. It would also make permanent the QI-1 program, which expires today due to inaction by the House of Representatives to extend the program.

The QI-1 program was established as part of the Balanced Budget Act of 1997 and was authorized for 5 years. In 2002 and 2003, extensions of the program were included in various continuing resolutions. The program was further extended through passage of Public Law 108-448 in 2004, through today's expiration date.

There is no reason that the Congress must participate in this annual last minute scramble to try and extend the program for a few months or a year. It is a disservice to the States, who must watch the Congress closely to constantly prepare to send out disenrollment notices and layoff staff, even though they are relatively certain the program will be extended. But, more importantly, it is a disservice to those that need this important assistance, as many of those enrolled worry this benefit will be taken away and many of those never enrolled never are told of the benefit since States and advocates are spending their time trying to get the program extended rather than conducting outreach.

While I remain very hopeful that the Congress will pass an extension of the QI-1 program for an additional period in the coming week, I am introducing the "Medicare Beneficiary Assistance Improvement Act" today in the hope

that Congress will end this process of temporary extensions and permanently authorize the program, as provided for in this legislation.

To reiterate, low-income senior citizens and disabled Americans nationwide should not be subjected to the constant risk of losing crucial health care benefits. Furthermore, the Centers for Medicare & Medicaid Services, CMS, the Social Security Administration, SSA, and the States should be spared the administrative burdens and cost associated with reauthorizing the program each year—sometimes more than once in a year.

Furthermore, the bill proposes several improvements to the Medicare Savings Programs and application processes that will make these low-income benefits both more efficient to administer and more accessible to the individuals who need them. It would also seek to simplify the process and make the Medicare Savings Programs more understandable to low-income senior citizens and people with disabilities, as well as State and Federal Government officials.

In New Mexico, over 1,500 low-income Medicare beneficiaries receive the QI-1 benefit, which saves them almost \$1,000 in Medicare Part B premium out-of-pocket costs annually. Unfortunately, according to estimates made by the Medicare Rights Center using Census Bureau data, over 11,000 are likely to be eligible. Many are completely unaware of the assistance this program offers.

The same is true among those of us that created the three different Medicare Savings Programs. In fact, I am almost absolutely certain that few of my Senate colleagues could accurately explain how any of these programs work and that is precisely the problem with them. They are intended serve our Nation's most vulnerable, low-income citizens with their Medicare cost-sharing burdens, but do so in a very complicated manner that few can understand. It is no wonder that many of our Nation's elderly and people with disabilities that qualify for this assistance do not participate.

For example, the QI-1 program is Federal grant payment to States for the purpose of paying the Medicare Part B premium, which is \$78.20 per month in 2005 and will increase to \$88.50 per month or over \$1000 per year in 2006, for individuals with income between 120 and 135 percent of the Federal Poverty Level. Through this Federal grant, States must pay the full amount of the Medicare Part B premium for qualifying individuals but may cap or otherwise limit enrollment if the State projects that further enrollment will result in exhaustion of their State allotment.

Six States had enrollment this year that would exceed their allotment so were forced to cap funding. The Centers for Medicare & Medicaid Services, CMS, responded to this problem with a rule on August 26, 2005, that reallo-

cated unspent funding from some States to those that had exhausted their funds in order to eliminate the enrollment caps in the States of Oregon, Arizona, Mississippi, Louisiana, Alabama, and Connecticut.

Three days later Hurricane Katrina hit three of the six States and now their entire health care systems are in chaos, and Congress has failed to act to address their need. While that has gained a great deal of much needed attention and deserves even greater attention from the media and public, the House of Representatives yesterday failed to extend the QI-1 program and went out of session for the week even though it expires today. Senators GRASSLEY and BAUCUS were working with the House of Representatives on a last minute extension through the introduction of S. 1718, but it failed to move in the waning hours of the fiscal year and the House of Representatives took no action whatsoever.

Even though CMS has apparently notified the Congress that it can continue to run the program for a few days, the failure of the Congress to take action in a timely manner to ensure that disenrollment notices are not sent out by the States to an estimated 185,000 low-income Medicare beneficiaries nationwide is absolutely unacceptable and also is deserving of attention and media scrutiny.

Furthermore, while the QI-1 program has always played an important role in helping low-income Medicare afford health care coverage, the QI-1 program would, in the future, play an important role in helping low-income Medicare beneficiaries access prescription drug coverage through Medicare's new drug benefit. Enrollment in the QI-1 program is supposed to automatically qualify a person for the Medicare Part D drug benefit's low-income subsidy beginning on January 1, 2006.

To briefly describe the most critical aspects of the legislation, Section 2 of the bill simply provides for one unified name for the Federal programs that offer cost sharing and benefit assistance for low-income Medicare beneficiaries. Rather than separately referring to the QMB, SLMB, and QI-1 programs, the bill provides one common name for all of these programs, the "Medicare Savings Programs."

Low enrollment in these assistance programs is in large part due to the lack of knowledge and understanding of the programs or benefits offered. This simple change has been pilot tested with Medicare beneficiary groups and found to elicit a positive response and interest from Medicare beneficiaries.

Section 3 of the legislation would make permanent the QI-1 category by incorporating these individuals into the SLMB category at the State Children's Health Insurance Program enhanced matching rate. In addition to simplifying and making permanent the program, States would see a financial benefit from this change.

Section 4 eliminates some of the critical barriers to enrollment. As I noted earlier, just 1,500 of the estimated 11,000 low-income Medicare beneficiaries in New Mexico eligible for the QI-1 benefit are enrolled. This section provides for several important enrollment simplification procedures, such as allowing self-certification of income and continuous eligibility, and expanded outreach efforts.

Section 5 eliminates the limit on assets, which is set at \$4,000 for an individual and \$6,000 for a couple and disqualifies millions of Medicare beneficiaries with very low incomes from qualifying for assistance. Some States have waived or disallowed the counting of some assets for the purposes of eligibility determination and have seen much higher enrollment rates.

I urge the Congress to pass a temporary extension of the QI-1 program early next week, but then to immediately begin work to permanently authorize the QI-1 program and to simplify and streamline all the Medicare Savings Programs. Our Nation's low-income Medicare beneficiaries and the States deserve nothing less.

I ask unanimous consent to print a summary and text of this legislation in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

FACT SHEET

“MEDICARE BENEFICIARY ASSISTANCE IMPROVEMENT ACT”

Sponsor: Senator Bingaman

Purpose: To amend title XIX of the Social Security Act to improve the Qualified Medicare Beneficiary (QMB) and Specified Low-income Medicare Beneficiary (SLMB) programs within the Medicaid program, and in doing so to make permanent the Qualifying Individual-1 (QI-1) program.

Background: The QI-1 program is a federal grant payment to states for the purposes of paying the Medicare Part B premium, which is \$78.20 per month in 2005 and will increase to \$88.50 per month (over \$1000 per year) in 2006, for individuals with income between 120 and 135 percent of the Federal Poverty Level. Federal assistance for QI-1s was created in the Balanced Budget Act of 1997 for a five-year period and has been extended on a year-to-year basis since December 2002. The program is currently slated to expire on September 30, 2005.

Now is a critical time to make QI-1 a permanent program. Approximately 185,000 low-income Medicare beneficiaries nationwide currently rely on the QI-1 program for payment of their Part B premium and will be hard pressed to afford Medicare coverage without this assistance. The QI-1 program also plays an important role in helping low-income Medicare beneficiaries access prescription drug assistance through Medicare's new drug benefit. Enrollment in the QI-1 program automatically qualifies a person for the Part D drug benefit's low-income subsidy beginning on January 1, 2006.

The legislation would ensure that low-income older and disabled Americans nationwide are no longer at risk of losing crucial health care benefits. Furthermore, states, the Centers for Medicare and Medicaid Services (CMS), the Social Security Administration (SSA) would be spared the administrative burden and cost associated with reau-

thorizing the program each year—sometimes more than once in a year.

Furthermore, the bill proposes several improvements to the QMB and SLMB programs and application processes that will make these low-income benefits both more efficient to administer and more accessible to the individuals who need them.

SUMMARY

Section 1. Short Title.

This section gives the bill's title: the “Medicare Beneficiary Assistance Improvement Act.”

Section 2. Renaming the Program to Eliminate Confusion.

This section provides for one unified name for the federal programs that offer cost sharing and benefit assistance for low-income Medicare beneficiaries. Currently, beneficiaries may be in “dual eligible” programs, “Qualified Medicare Beneficiary” programs (QMB), “Specified Low-income Medicare Beneficiary” programs (SLMB), or Qualifying Individual-1 (QI-1) programs. This bill provides one common name for all of these programs, the “Medicare Savings Programs.”

One of the problems contributing to low enrollment in the assistance programs is lack of understanding of the programs or benefits offered, in part due to confusing nomenclature. The new name has been pilot tested with Medicare beneficiaries groups and found to elicit a positive response and interest from Medicare beneficiaries.

Section 3. Expanding Protections by Increasing SLMB Eligibility Income Level to 135 Percent of Poverty.

This section would make permanent the QI-1 category, which provides assistance with the cost of the Medicare Part B premium for beneficiaries with incomes between 120 percent and 135 percent of poverty, by incorporating these individuals into the SLMB category. In addition, the legislation provides enhanced matching payments (at the state's CHIP rate) for the SLMB population (100-135% FPL).

Section 4. Eliminating Barriers to Enrollment.

In the states that use 209(b) or SSI criteria for eligibility for the QMB program, Medicare beneficiaries are not automatically made eligible for assistance, even though they qualify. In other states that do not use these criteria, Medicare beneficiaries are automatically eligible if they meet the income thresholds to qualify for SSI payments. Subsection (a) requires that states that use these alternative definitions for eligibility make Medicare beneficiaries automatically eligible for assistance as well.

Subsection (b) allows individuals to certify their income without having to provide additional documentation. Many eligible Medicare beneficiaries decline to participate in assistance programs because they have difficulty producing the necessary documents and generally are reluctant to provide such information.

Subsection (c) provides for continuous eligibility in the assistance programs. Just as Medicare beneficiaries apply once for Medicare, they can apply once for assistance programs as well, without the need for yearly recertification.

Subsection (d) requires states to allow applications for assistance programs on a simplified application form by telephone or mail without the need for a face-to-face interview. Many eligible individuals choose not to apply for government programs because of the stigma associated with a Social Services office. Research shows that individuals are more likely to apply for a benefit when they are not required to have an in-person interview at one of these offices.

Subsection (e) expands the role of Social Security in the Medicare Savings Program application process by requiring local Social Security offices to provide oral and written information about Medicare Savings Program benefits and offer Medicare beneficiaries the ability to apply for assistance at these offices, as is the application protocol for the drug benefit's low-income subsidy program.

Subsection (f) allows states to outstation eligibility workers at local Social Security field offices.

Section 5. Elimination of Asset Test.

This section eliminates the strict limit on assets that disqualifies millions of Medicare Beneficiaries with very low incomes from qualifying for assistance. States with high or no asset tests have maximized their QI-1 funding allotments, while states with standard asset tests have seen extremely low QI-1 enrollment.

Section 6. Improving Assistance With Out-of-Pocket Costs.

Subsection (a) prohibits estate recovery against QMBs for the cost-sharing or benefits provided through this program. Many individuals do not apply for assistance because they fear a surviving spouse will lose what little income they have by having to repay the state for benefits received upon death.

Subsection (b) gives QMBs three months of retroactive eligibility, allowing the state to pay for Medicare cost-sharing and premiums for the previous three months. Other categories of individuals who receive assistance through Medicaid (SLMBs, QI-1s, and dual eligibles) are eligible for assistance beginning three months prior to the date which they are enrolled. Because of the low incomes of these beneficiaries, coupled with the fact that lower-income individuals have higher health care costs, such retroactive assistance is particularly important.

Section 7. Improving Program Information and Coordination With State, Local, and Other Partners.

This section authorizes a data match demonstration project between Health and Human Services, the Internal Revenue Service, and SSA to match information to identify individuals who are potentially eligible for assistance programs but not enrolled. This section also authorizes \$100 million in grants to states to use the information identified through the demonstration project to improve enrollment in the Medicare Savings Programs and the low-income subsidy, as well as grants to other entities like the Indian Health Service and Veterans' Affairs to do coordinated outreach with these programs.

Section 8. Notices to Certain New Medicare Beneficiaries.

This section requires SSA, upon sending out initial notification of Medicare eligibility, to include information and an application for the Medicare Savings Programs to individuals the Commissioner identifies as likely to be eligible for benefits under those programs. The section also requires the Secretary of Health and Human Services to include in the annual Medicare & You handbook information on the availability of the Medicare Savings Programs and a toll free number for beneficiaries to call to obtain additional information.

S. 1808

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare Beneficiary Assistance Improvement Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Renaming program to eliminate confusion.
 Sec. 3. Expanding protections by increasing SLMB eligibility income level to 135 percent of poverty.
 Sec. 4. Eliminating barriers to enrollment.
 Sec. 5. Elimination of asset test.
 Sec. 6. Improving assistance with out-of-pocket costs.
 Sec. 7. Improving program information and coordination with State, local, and other partners.
 Sec. 8. Notices to certain new medicare beneficiaries.

SEC. 2. RENAMING PROGRAM TO ELIMINATE CONFUSION.

The programs of benefits for lower income medicare beneficiaries provided under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) shall be known as the "Medicare Savings Programs".

SEC. 3. EXPANDING PROTECTIONS BY INCREASING SLMB ELIGIBILITY INCOME LEVEL TO 135 PERCENT OF POVERTY.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iii)) is amended by striking "120 percent in 1995 and years thereafter" and inserting "120 percent in 1995 through 2005 and 135 percent in 2006 and years thereafter".

(b) CONFORMING REMOVAL OF QI-1 PROVISIONS.—

(1) Section 1902(a)(10)(E) of such Act (42 U.S.C. 1396a(a)(10)(E)) is further amended—

(A) by adding "and" at the end of clause (ii);

(B) by striking "and" at the end of clause (iii); and

(C) by striking clause (iv).

(2) Section 1933 of such Act (42 U.S.C. 1396u-3) is repealed.

(3) The amendments made by this subsection shall take effect as of January 1, 2006.

(c) APPLICATION OF CHIP ENHANCED MATCHING RATE FOR SLMB ASSISTANCE.—

(1) IN GENERAL.—Section 1905(b)(4) of such Act (42 U.S.C. 1396d(b)(4)) is amended by inserting "or section 1902(a)(10)(E)(iii)" after "section 1902(a)(10)(A)(ii)(XVIII)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to medical assistance for medicare cost-sharing for months beginning with January 2006.

SEC. 4. ELIMINATING BARRIERS TO ENROLLMENT.

(a) AUTOMATIC ELIGIBILITY FOR SSI RECIPIENTS IN 209(B) STATES AND SSI CRITERIA STATES.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended—

(1) by redesignating paragraph (6) as paragraph (11); and

(2) by adding at the end the following new paragraph:

"(6) In the case of a State which has elected treatment under section 1902(f) for aged, blind, and disabled individuals, individuals with respect to whom supplemental security income payments are being paid under title XVI are deemed for purposes of this title to be qualified medicare beneficiaries."

(b) SELF-CERTIFICATION OF INCOME.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by subsection (a), is amended by inserting after paragraph (6) the following new paragraph:

"(7) In determining whether an individual is a qualified medicare beneficiary or is eligible for benefits under section 1902(a)(10)(E)(iii), the State shall permit individuals to qualify on the basis of self-certifications of income without the need to provide additional documentation."

(c) AUTOMATIC REENROLLMENT WITHOUT NEED TO REAPPLY.—

(1) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by subsections (a) and (b), is amended by inserting after paragraph (7) the following new paragraph:

"(8) In the case of an individual who has been determined to be a qualified medicare beneficiary or eligible for benefits under section 1902(a)(10)(E)(iii), the individual shall be deemed to continue to be so qualified or eligible without the need for any annual or periodic application unless and until the individual notifies the State that the individual's eligibility conditions have changed so that the individual is no longer so qualified or eligible."

(2) CONFORMING AMENDMENT.—Section 1902(e)(8) of the Social Security Act (42 U.S.C. 1396a(e)(8)) is amended by striking the second sentence.

(d) USE OF SIMPLIFIED APPLICATION PROCESS.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by subsections (a), (b), and (c), is amended by inserting after paragraph (8) the following new paragraph:

"(9) A State shall permit individuals to apply to qualify as a qualified medicare beneficiary or for eligibility for benefits under section 1902(a)(10)(E)(iii) through the use of the simplified application form developed under section 1905(p)(5)(A) and shall permit such an application to be made over the telephone or by mail, without the need for an interview in person by the applicant or a representative of the applicant."

(e) ROLE OF SOCIAL SECURITY OFFICES.—

(1) ENROLLMENT AND PROVISION OF INFORMATION AT SOCIAL SECURITY OFFICES.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by subsections (a), (b), (c), and (d) is amended by inserting after paragraph (9) the following new paragraph:

"(10) The Commissioner of Social Security shall provide, through local offices of the Social Security Administration—

"(A) for the enrollment under State plans under this title for appropriate medicare cost-sharing benefits for an individual who is a qualified medicare beneficiary or is eligible for benefits under section 1902(a)(10)(E)(iii) through utilization of the process established under section 1860D-14; and

"(B) for providing oral and written notice of the availability of such benefits."

(2) CLARIFYING AMENDMENT.—Section 1902(a)(5) of such Act (42 U.S.C. 1396a(a)(5)) is amended by inserting "as provided in section 1905(p)(10)," after "except".

(f) OUTSTATIONING OF STATE ELIGIBILITY WORKERS AT SSA FIELD OFFICES.—Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended—

(1) in the matter preceding subparagraph (A), by striking "subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX)" and inserting "paragraph (10)(A)(i)(IV), (10)(A)(i)(VI), (10)(A)(i)(VII), (10)(A)(ii)(IX), or (10)(E)"; and

(2) in subparagraph (A), by striking "1905(1)(2)(B)" and inserting "1905(1)(2)(B)", and in the case of applications of individuals for medical assistance under paragraph (10)(E), at locations that include field offices of the Social Security Administration".

SEC. 5. ELIMINATION OF ASSET TEST.

(a) IN GENERAL.—Section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)) is amended—

(1) by adding "and" at the end of subparagraph (A);

(2) by striking "and" at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligi-

bility determinations for medicare cost-sharing furnished for periods beginning on or after January 1, 2006.

SEC. 6. IMPROVING ASSISTANCE WITH OUT-OF-POCKET COSTS.

(a) ELIMINATING APPLICATION OF ESTATE RECOVERY PROVISIONS.—Section 1917(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended by inserting "(but not including medical assistance for medicare cost-sharing or for benefits described in section 1902(a)(10)(E))" before the period at the end.

(b) PROVIDING FOR 3-MONTHS RETROACTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1), by striking "described in subsection (p)(1), if provided after the month" and inserting "described in subsection (p)(1), if provided in or after the third month before the month".

(2) CONFORMING AMENDMENTS.—(A) The first sentence of section 1902(e)(8) of such Act (42 U.S.C. 1396a(e)(8)), as amended by section 4(c)(2), is amended by striking "(8)" and the first sentence.

(B) Section 1848(g)(3) of such Act (42 U.S.C. 1395w-4(g)(3)) is amended by adding at the end the following new subparagraph:

"(C) TREATMENT OF RETROACTIVE ELIGIBILITY.—In the case of an individual who is determined to be eligible for medical assistance described in subparagraph (A) retroactively, the Secretary shall provide a process whereby claims submitted for services furnished during the period of retroactive eligibility which were not submitted in accordance with such subparagraph are resubmitted and re-processed in accordance with such subparagraph."

SEC. 7. IMPROVING PROGRAM INFORMATION AND COORDINATION WITH STATE, LOCAL, AND OTHER PARTNERS.

(a) DATA MATCH DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (acting through the Administrator of the Centers for Medicare & Medicaid Services), the Secretary of the Treasury, and the Commissioner of Social Security shall enter into an arrangement under which a demonstration is conducted, consistent with this subsection, for the exchange between the Centers for Medicare & Medicaid Services, the Internal Revenue Service, and the Social Security Administration of information in order to identify individuals who are medicare beneficiaries and who, based on data from the Internal Revenue Service (such as their not filing tax returns or other appropriate filters) are likely to be—

(A) a qualified medicare beneficiary (as defined in 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)));

(B) otherwise eligible for medical assistance under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)); or

(C) entitled to a premium or cost-sharing subsidy under section 1860D-14 of such Act (42 U.S.C. 1395w-114).

(2) LIMITATION ON USE OF INFORMATION.—Notwithstanding any other provision of law, specific information on income or related matters exchanged under paragraph (1) may be disclosed only as required to carry out subsection (b) and for related Federal and State outreach efforts.

(3) PERIOD.—The project under this subsection shall be for an initial period of 3 years and may be extended for additional periods (not to exceed 3 years each) after such an extension is recommended in a report under subsection (d).

(b) STATE DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall enter into a demonstration project with States (as defined for

purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide funds to States to use information identified under subsection (a), and other appropriate information, in order to do ex parte determinations or utilize other methods for identifying and enrolling individuals who are potentially—

(A) a qualified medicare beneficiary (as defined in 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)));

(B) otherwise eligible for medical assistance described in section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)); or

(C) entitled to a premium or cost-sharing subsidy under section 1860D-14 of such Act (42 U.S.C. 1395w-114).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to the Secretary of Health and Human Services for the purpose of making grants under this subsection.

(c) **ADDITIONAL CMS FUNDING FOR OUTREACH AND ENROLLMENT PROJECTS.**—There are hereby appropriated, out of any funds in the treasury not otherwise appropriated, to the Secretary of Health and Human Services through the Administrator of the Centers for Medicare & Medicaid Services, \$100,000,000 which shall be used only for the purpose of providing grants to States to fund projects to improve outreach and increase enrollment in Medicare Savings Programs and low-income subsidy programs under section 1860D-14 of such Act (42 U.S.C. 1395w-114). Such projects may include cooperative grants and contracts with community groups and other groups (such as the Department of Veterans' Affairs and the Indian Health Service) to assist in the enrollment of eligible individuals.

(d) **REPORTS.**—The Secretary of Health and Human Services shall submit to Congress periodic reports on the projects conducted under this section. Such reports shall include such recommendations for extension of such projects, and changes in laws based on such projects, as the Secretary deems appropriate.

SEC. 8. NOTICES TO CERTAIN NEW MEDICARE BENEFICIARIES.

(a) **SSA NOTICE.**—

(1) **IN GENERAL.**—At the time that the Commissioner of Social Security sends a notice to individuals that they have been determined to be eligible for benefits under part A or B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq., 1395j et seq.), the Commissioner shall send a notice and application for benefits under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to those individuals the Commissioner identifies as being likely to be—

(A) a qualified medicare beneficiary (as defined in 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)));

(B) eligible for benefits under clause (i), (ii), or (iii) of section 1902(a)(10)(E) of such Act (42 U.S.C. 1396a(a)(10)(E)); or

(C) entitled to a premium or cost-sharing subsidy under section 1860D-14 of such Act (42 U.S.C. 1395w-114).

(2) **ADDITIONAL INFORMATION REQUIRED.**—Such notice and application shall be accompanied by information on how to submit such an application and where to obtain more information (including answers to questions) on the application process.

(b) **INCLUDING INFORMATION IN MEDICARE & YOU HANDBOOK.**—The Secretary of Health and Human Services shall include in the annual handbook distributed under section 1804(a) of the Social Security Act (42 U.S.C. 1395b-2(a)) information on the availability of Medicare Savings Programs and a toll-free telephone number that medicare beneficiaries may use to obtain additional information about the program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 262—CONDEMNING THE STATEMENTS OF FORMER EDUCATION SECRETARY WILLIAM J. BENNETT

Mr. LAUTENBERG (for himself, Mr. REID, Mr. CORZINE, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. SCHUMER,) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 262

Whereas William J. Bennett served as chairman of the National Endowment for the Humanities from 1981 to 1985.

Whereas William J. Bennett served as Secretary of Education from 1985 to 1988.

Whereas William J. Bennett served as Director of the Office of National Drug Control Policy from 1989 to 1990.

Whereas on September 28, 2005 William J. Bennett stated the following on Salem Radio Network's Bill Bennett's Morning in America: "[I] do know that it's true that if you wanted to reduce crime, you could—if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down. That would be an impossible, ridiculous, and morally reprehensible thing to do, but your crime rate would go down."

Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly condemns William J. Bennett's reprehensible statements of September 28, 2005.

SEC. 2. That the Senate believes that such statements are unbecoming of a former Cabinet Secretary.

SENATE CONCURRENT RESOLUTION 56—EXPRESSING APPRECIATION FOR THE CONTRIBUTION OF CHINESE ART AND CULTURE AND RECOGNIZING THE FESTIVAL OF CHINA AT THE KENNEDY CENTER

Mrs. FEINSTEIN (for herself, Mr. STEVENS, and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Whereas mutual cultural understanding and appreciation helps to advance the overall bilateral relationship between the United States and China;

Whereas Chinese cultural achievements have enriched the world for over 5,000 years;

Whereas Chinese artists both in China and in the United States have excelled in music, dance, fashion, theater, film, and the visual arts;

Whereas the John F. Kennedy Center for the Performing Arts is hosting a month-long celebration of Chinese cultural contributions at the Festival of China in October 2005;

Whereas the event, with more than 50 performances and exhibitions and over 800 artists, will be the largest festival in the history of the Kennedy Center;

Whereas the Kennedy Center characterizes the Festival of China as the "the largest celebration of Chinese performing arts in American history";

Whereas events like the Festival of China, along with efforts to promote educational and scientific cooperation between the United States and China, further mutual understanding between our two societies;

Whereas publicly- and privately-funded exchange programs and other forms of Sino-American contacts foster positive relations; and

Whereas cultural events like the Festival of China help strengthen diplomatic, commercial, and political cooperation between the United States and China: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the diverse array of cultural contributions made by Chinese artists based in China, the United States, and around the world benefit the entire international community;

(2) the Kennedy Center, along with the Chinese Ministry of Culture, should be commended for promoting Chinese achievement in the arts at the Festival of China;

(3) the significant undertaking and efforts necessary to organize the Festival of China provides a unique opportunity for bilateral cooperation;

(4) building upon the Festival of China, additional efforts that promote cultural understanding between the United States and China should be encouraged;

(5) the United States and China should work to promote cultural, as well as scientific and educational, cooperation between the two countries;

(6) the United States and China should continue to promote exchange programs, such as the Festival of China, as a vital tool for advancing mutual understanding and cooperation between the people of the United States and the people of China; and

(7) the hundreds of performers and individuals who have contributed their time and effort to make this landmark celebration of Chinese culture and the arts a success are to be congratulated.

Mrs. FEINSTEIN. Mr. President, I am pleased to have the opportunity to introduce a resolution to honor the contributions of Chinese art and culture and recognize the landmark Festival of China taking place this October at the John F. Kennedy Center for Performing Arts in Washington, DC.

I commend the joint efforts of the Kennedy Center and the Chinese Ministry of Culture in organizing this celebration and congratulate the hundreds of individuals who have contributed to its success.

With over 800 artists and 50 scheduled events, the Festival of China will truly be one of the largest celebrations of Chinese performance arts in American history.

Starting with Beijing Cultural Week, the Festival will feature Chinese dance, theater, and opera, and musical performances, along with film and art exhibitions.

I am also privileged to be joined today in offering this resolution by two of my colleagues, Senators STEVENS and MURKOWSKI, both of whom play significant roles in fostering our relationship with China.

Senator STEVENS, as the Senate Pro Tempore, chairs the U.S.-China Interparliamentary Group, which facilitates annual exchanges between Members of the Senate and their counterparts in the Chinese National People's Congress.

A hero in both the United States and China, his long history with the Chinese people and their culture goes back

to World War II, when as a pilot he flew missions in support of the Flying Tigers over the "Hump" between Burma and China. Because of his dedicated service to the people of China, he was later decorated with the Yuan Hai Medal by the Chinese government.

Since he first arrived in the Senate 36 years ago, Senator STEVENS has worked tirelessly to improve the bilateral relationship between the United States and China, and promote exchanges and cooperation between the two sides.

While Senator MURKOWSKI's tenure in the Senate may be shorter than that of her senior colleague from Alaska, she nevertheless is already playing a key part in shaping our relationship with China.

As the chair of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, she has the unique responsibility of overseeing our relationship with China and its many neighbors in the region.

My own relationship with China first started in 1979 when I had the chance to visit as the Mayor of San Francisco.

In 1980, I joined my counterpart, Mayor Wang Daohan, in signing an agreement to establish the first Sister City relationship of its kind between San Francisco and Shanghai.

Since that time, I have traveled regularly to China and had the opportunity to get to know many of its leaders.

I can tell you that, in my view, no nation on Earth has changed more positively in the past three decades than China.

That is why I consider it truly an honor to join with my colleagues in introducing this resolution to recognize the Festival of China.

I hope that during the month of October 2005 more Americans will have the chance to understand China and its unique contributions to art and culture during the past 5,000 years.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1921. Mr. HARKIN (for himself, Mr. KOHL, Mr. JEFFORDS, Mr. LEVIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. PRYOR, Mr. CARPER, Ms. CANTWELL, and Mr. CORZINE) proposed an amendment to the joint resolution H.J. Res. 68, making continuing appropriations for the fiscal year 2006, and for other purposes.

SA 1922. Mr. STEVENS (for himself, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. HATCH, and Mr. HAGEL) proposed an amendment to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

SA 1923. Mr. KENNEDY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1924. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1925. Mr. ISAKSON submitted an amendment intended to be proposed by him

to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1926. Mrs. HUTCHISON (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill S. 1042, 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 personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1927. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1928. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1921. Mr. HARKIN (for himself, Mr. KOHL, Mr. JEFFORDS, Mr. LEVIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. PRYOR, Mr. CARPER, Ms. CANTWELL, and Mr. CORZINE) proposed an amendment to the joint resolution H.J. Res. 68, making continuing appropriations for the fiscal year 2006, and for other purposes; as follows:

On page ____, at the appropriate place, insert the following:

SEC. ____. COMMUNITY SERVICES BLOCK GRANT.—Notwithstanding section 101 of this joint resolution, amounts are provided for making payments under the "Community Services Block Grant Act" at a rate not less than the amounts made available for such Act in fiscal year 2005.

SA 1922. Mr. STEVENS (for himself, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. HATCH, and Mr. HAGEL) proposed an amendment to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . Notwithstanding Sec. 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108-447, through November 18, 2005.

SA 1923. Mr. KENNEDY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$4,000,000 may be used for Oral Anthrax/Plague Vaccine Development.

SA 1924. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2863, making ap-

propriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

SA 1925. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be made available for an environmental management and compliance information system.

SA 1926. Mrs. HUTCHISON (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill S. 1042, 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 personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. REPORT ON COOPERATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) AREAS COVERED.—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may include, but not be limited to, areas relating to the following:

- (1) Aeronautics research.
- (2) Facilities, personnel, and support infrastructure.
- (3) Propulsion and power technologies.
- (4) Space access and operations.

SA 1927. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. (a) The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" may be increased by up to \$1,500,000.

(b) The amount made available pursuant to subsection (a) shall be available for research within the High-Brightness Electron Source program.

SA 1928. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. (a) The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" may be increased by up to \$1,000,000.

(b) The amount made available pursuant to subsection (a) shall be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 30, 2005, at 9:30 a.m. to hold a hearing on Nominations.

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

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Janellen Duffy, a fellow with the Finance Committee staff, be granted the privilege of the floor today.

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

EXECUTIVE SESSION

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Margaret Spelling, PN 9-45; provided further that the Senate proceed to its consideration.

I further ask unanimous consent that the Senate also proceed en bloc to the following nominations on the Executive Calendar: 148, 318 through 337, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Margaret Spellings, of Texas, to be a Representative of the United States of America to the Thirty-third Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

IN THE ARMY

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Rita M. Broadway

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Salvatore A. Angellela
Andrew E. Busch
Arthur B. Cameron, III
Susan Y. Desjardins
Richard T. Devereaux
Judith A. Fedder
Eric E. Fiel
Jonathan D. George
Mark W. Graper
Bradley A. Heithold
Susan J. Helms
Peter F. Hoene
Darrell D. Jones
Duane A. Jones
Noel T. Jones
Robert C. Kane
Stanley T. Kresge
Michael A. Longoria
Charles W. Lyon
Otis G. Mannon
Susan K. Mashiko
Darren W. McDew
Clyde D. Moore, II
Douglas H. Owens
John T. Pray, Jr.
David E. Price
Philip M. Ruhlman
David J. Scott
Dana A. Simmons
Paula G. Thornhill
Suzanne M. Vautrinot
David B. Warner
Lawrence L. Wells
Janet C. Wolfenbarger
Daniel P. Woodward
Scott E. Wuesthoff

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stephen R. Lorenz

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gary L. North

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Duncan J. McNabb

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position

of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank G. Klotz

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Douglas M. Fraser

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John F. Regni

The following named officer for appointment in the United States Air Force to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution:

To be brigadier general

Col. Richard J. Tubb;

IN THE ARMY

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James P. Eggleton

To be brigadier general

Col. Blake E. Williams

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James S. Goodwin

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Roger F. Clements

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Daniel P. Leaf

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William S. Wallace

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Philip Volpe

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Eric B. Schoomaker

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael H. Sumrall

The following Army National Guard of the United States officer for appointment in the

Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Errol R. Schwartz

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James R. Joseph

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Anne E. Dunwoody

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John E. Cornelius

NOMINATIONS PLACED ON THE SECRETARY'S
DESK

IN THE AIR FORCE

PN782 AIR FORCE nomination of Thomas L. Lutz, which was received by the Senate and appeared in the Congressional Record of July 28, 2005.

PN783 AIR FORCE nomination of Bruce A. Ellis Jr., which was received by the Senate and appeared in the Congressional Record of July 28, 2005.

PN784 AIR FORCE nominations (4) beginning ANSRLMO FELICIANO, and ending DAKE S. VAHOVICH, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2005.

PN836 AIR FORCE nomination of Gary A. Packard Jr., which was received by the Senate and appeared in the Congressional Record of September 6, 2005.

PN837 AIR FORCE nominations (2) beginning STACEY T. KNUTZEN, and ending JONATHAN R. SPECHT, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2005.

PN838 AIR FORCE nomination of Donald E. Reckart, which was received by the Senate and appeared in the Congressional Record of September 6, 2005.

PN845 AIR FORCE nomination of Merrick E. Krause, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN846 AIR FORCE nomination of Anthony E. Barbarisi, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN847 AIR FORCE nominations (4) beginning WESLEY A.* ARDT, and ending RUSSELL F.* ZAKOLSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN848 AIR FORCE nominations (8) beginning JOHN M. ALLEN, and ending WALLACE M. YOYETICH, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN849 AIR FORCE nomination of Sean D. McClung, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN880 AIR FORCE nominations (2) beginning JOHN M. ANDREW, and ending MARTIN E. FRANCE, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN915 AIR FORCE nominations (29) beginning CHRISTINA A. AUSTINSMITH, and

ending ANDREW S. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

IN THE ARMY

PN580 ARMY nominations (2) beginning PETER D. GUZZETTI, and ending TERRY M. LARKIN, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN850 ARMY nomination of Dennis J. Wing, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN851 ARMY nominations (5) beginning KELVIN L. GEORGE, and ending DEBORAH A. ROBERTS, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN852 ARMY nominations (9) beginning JANICE E. BRUNO, and ending DAVID P. SHERIDAN, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN853 ARMY nomination of William C. Dickey, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN854 ARMY nomination of Laura T. Wells, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN881 ARMY nominations (8) beginning WILLIAM R. EVERETT, and ending PETER D.P. VINT, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN882 ARMY nominations (10) beginning STANLEY A. BLOUSTINE, and ending TERRY D. NEVILLE, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN883 ARMY nominations (2) beginning DARIO A. BARRATO, and ending DAVID L. JARRATT, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN884 ARMY nominations (4) beginning JERRY BROMAN, and ending FRANKLIN E. TUTTLE, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN885 ARMY nominations (95) beginning DAVID A. ACCETTA, and ending PETER J. ZIOMEK, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN886 ARMY nominations (136) beginning LYNETTE M. ARNHART, and ending DANIEL E. ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN887 ARMY nominations (192) beginning DAVID M. ABBINANTI, and ending MARTIN A. ZYBURA, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN888 ARMY nominations (882) beginning MARY E. ABRAMS, and ending x1195, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN889 ARMY nomination of Ronald J. Whalen, which was received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN890 ARMY nomination of Vaughn C. Wilhite, which was received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN891 ARMY nominations (2) beginning CYLE R. RICHARD, and ending THOMAS J. STEINBACH, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN892 ARMY nominations (46) beginning MICHAEL I. ALLEN, and ending MATTHEW

S. WYSOCKI, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN893 ARMY nominations (94) beginning JACQUELINE B. CHEN, and ending MOISES SOTO, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN894 ARMY nominations (30) beginning JEAN M. BRADY, and ending MESHELLE A. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN895 ARMY nominations (26) beginning ROMAN B. REYES, and ending CHRISTOPHER VAN WINKLE, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN896 ARMY nomination of Anthony T. Febbo, which was received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN916 ARMY nominations (2) beginning MICHAEL L. HOWE, and ending KARL F. SUHR JR., which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

PN917 ARMY nominations (2) beginning JOHNATHAN T. BALL, and ending DANIEL M. KRUMREI, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

PN918 ARMY nomination of Danielle N. Bird, which was received by the Senate and appeared in the Congressional Record of September 19, 2005.

PN919 ARMY nominations (26) beginning RYAN J. ALLOWITZ, and ending MARK A. VANCE, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

PN920 ARMY nominations (283) beginning ERIC D. AGUILA, and ending GARY H. WYNN, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

IN THE MARINE CORPS

PN855 MARINE CORPS nomination of James R. Waris, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN856 MARINE CORPS nomination of Richard T. Ostermeyer, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

IN THE NAVY

PN857 NAVY nomination of Jeanene L. Torrance, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN858 NAVY nominations (4) beginning JAMES M. CARRASCO, and ending LISA M. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN859 NAVY nominations (11) beginning CHARLIE C. BILES, and ending WILLIAM G. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN860 NAVY nominations (23) beginning STEVEN R. BARSTOW, and ending MARK S. WINWARD, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN861 NAVY nominations (32) beginning ROBERT P. ANSELM, and ending ANDREW T. WILKES, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN862 NAVY nominations (39) beginning ARTURO A. ASEO, and ending JEFFREY D. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN863 NAVY nominations (53) beginning JOEL D. BASHORE, and ending MEREDITH

L. YEAGER, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN864 NAVY nominations (54) beginning JOSEPH H. BECHT, and ending CALVIN ZHAO, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN865 NAVY nominations (80) beginning MARIA C. ALBERTO, and ending LADAWN J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN866 NAVY nominations (94) beginning DOMINGO B. ALINIO, and ending CHRISTOPHER R. ZEGLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN867 NAVY nominations (202) beginning MIGUEL A. AGUILERA JR., and ending GORDON J. ZUBROD, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN868 NAVY nominations (267) beginning JAMES W. ADKISSON III, and ending MI-CHAEL A. ZURICH, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN897 NAVY nominations (53) beginning JACK F. DALRYMPLE JR., and ending FRED R. WILHELM III, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN898 NAVY nominations (10) beginning OHENE O. GYAPONG, and ending KEVIN R. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN899 NAVY nominations (16) beginning BRUCE W. BEAM, and ending SEAN P. YEMM, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN900 NAVY nominations (17) beginning SHEILA T. ASBURY, and ending JAMES V. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN901 NAVY nominations (29) beginning KHARY A. BATES, and ending AARON J. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN902 NAVY nominations (30) beginning THANONGDETH T. CHINYAVONG, and ending WILLIAM E. WREN JR., which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN903 NAVY nominations (39) beginning RICHARD S. ARDOLINO, and ending BENJAMIN D. ZITTE, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN904 NAVY nominations (40) beginning JAMIE W. ACHEE, and ending HOLLY A. YUDISKY, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN905 NAVY nominations (66) beginning BRIAN M. AKER, and ending RONALD E. YUN JR., which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN906 NAVY nominations (824) beginning DAVID L. AAMODT, and ending THOMAS A. ZDUNCZNIK, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2005.

PN921 NAVY nominations (8) beginning MARTIN C. HOLLAND, and ending JOHN M. WOO, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATURAL DISASTER STUDENT AID FAIRNESS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3863, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3863) to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 3863, which would provide the Secretary of Education with the authority to reallocate campus-based aid program funds to institutions of higher education that have been affected by Hurricane Katrina or Hurricane Rita, or that have enrolled affected students. The bill also extends the deadline by which funds have to be reallocated, as they are currently scheduled to expire on September 30.

In addition, this bill automatically waives institutional matching requirements for the Federal work-study, supplemental educational opportunity grant and Perkins loan funds for affected institutions that participate in these programs in the 2005–2006 academic year. As a result, affected institutions that have scarce resources will be able provide immediate assistance to their eligible students to enable them to meet their higher education expenses this year.

I am pleased that we are able to take this step to assist institutions and students that have been affected by the gulf hurricanes by redirecting program funds that would otherwise lapse. We continue to explore other ways in which to meet the immediate needs of affected institutions of higher education and their students.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on 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. 3863) was read a third time, and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that during the ad-

jourment of the Senate, the majority leader and the junior Senator from Alabama be authorized to sign duly enrolled bills or joint resolutions.

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

MEASURE PLACED ON THE CALENDAR—S. 1802

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The assistant legislative read as follows:

A bill (S. 1802) to provide for appropriate waivers, suspensions, or exemptions from provisions of title I of the Employee Retirement Income Security Act of 1974, with respect to individual account plans affected by Hurricane Katrina or Rita.

Mr. SESSIONS. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR MONDAY, OCTOBER 3, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m. on Monday, October 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 2863, the Defense appropriations bill.

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

PROGRAM

Mr. SESSIONS. Mr. President, yesterday the Senate began consideration of the DOD appropriations bill, the Defense appropriations bill. Today we had hoped to lock in an amendment filing deadline for Monday afternoon, but the other side has objected to that proposal. I know the majority leader and the chairman of the committee are disappointed we are unable to lock in a deadline. Next week is a very compressed work week due to the observance of Rosh Hashanah. It is very important we make progress on the Defense appropriations bill, given that short schedule. We also hoped to clear a number of nominations, including an Assistant Secretary for Homeland Security, several Assistant Secretaries at the Department of Housing and Urban Development, and the Assistant Secretary for Terrorist Financing. These are very important positions that we expected to confirm today. But, again, there has been an objection on the other side.

As the leader has previously announced, there will be no votes Monday or Tuesday in observance of the Jewish holiday, but we will be in session and Senators are encouraged to offer their amendments during that time. We will have stacked votes later in the day on Wednesday.

ADJOURNMENT UNTIL 3 P.M.,
MONDAY, OCTOBER 3, 2005

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:04 p.m., adjourned until Monday, October 3, 2005, at 3 p.m.

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

MARGARET SPELLINGS, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

CONFIRMATIONS

Executive Nominations Confirmed by
the Senate: Friday, September 30, 2005
UNITED NATIONS

MARGARET SPELLINGS, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RITA M. BROADWAY
IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

SALVATORE A. ANGELLELA
ANDREW E. BUSCH
ARTHUR B. CAMERON III
SUSAN Y. DESJARDINS
RICHARD T. DEVEREAUX
JUDITH A. FEDDER
ERIC E. FIEL
JONATHAN D. GEORGE
MARK W. GRAPER
BRADLEY A. HEITHOLD
SUSAN J. HELMS
PETER F. HOENE
DARRELL D. JONES
DUANE A. JONES
NOEL T. JONES
ROBERT C. KANE
STANLEY T. KRESGE
MICHAEL A. LONGORIA
CHARLES W. LYON
OTIS G. MANNON
SUSAN K. MASHIKO
DARREN W. MCDEW
CLYDE D. MOORE II
DOUGLAS H. OWENS
JOHN I. PRAY, JR.
DAVID E. PRICE
PHILIP M. RUHLMAN
DAVID J. SCOTT
DANA A. SIMMONS
PAULA G. THORNHILL
SUZANNE M. VAUTRINOT
DAVID B. WARNER
LAWRENCE L. WELLS
JANET C. WOLFENBARGER
DANIEL P. WOODWARD
SCOTT E. WUESTHOFF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN R. LORENZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY L. NORTH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DUNCAN J. MCNABB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS M. FRASER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN F. REGNI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be brigadier general

COL. RICHARD J. TUBB

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES P. EGGLETON

To be brigadier general

COL. BLAKE E. WILLIAMS

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES S. GOODWIN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROGER F. CLEMENTS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be brigadier general

LT. GEN. DANIEL P. LEAF

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM S. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. PHILIP VOLPE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ERIC B. SCHOOMAKER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL H. SUMRALL

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

COL. ERROL R. SCHWARTZ

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES R. JOSEPH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANNE E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN E. CORNELIUS

IN THE AIR FORCE

AIR FORCE NOMINATION OF THOMAS L. LUTZ TO BE COLONEL.

AIR FORCE NOMINATION OF BRUCE A. ELLIS, JR. TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH ANSELMO FELICIANO AND ENDING WITH DAKE S. VAHOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 28, 2005.

AIR FORCE NOMINATION OF GARY A. PACKARD, JR. TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH STACEY T. KNUTZEN AND ENDING WITH JONATHAN R. SPECHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2005.

AIR FORCE NOMINATION OF DONALD E. RECKART TO BE MAJOR.

AIR FORCE NOMINATION OF MERRICK E. KRAUSE TO BE COLONEL.

AIR FORCE NOMINATION OF ANTHONY E. BARBARISI TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH WESLEY A. ARDT AND ENDING WITH RUSSELL F. ZAKOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. ALLEN AND ENDING WITH WALLACE M. YOYETICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

AIR FORCE NOMINATION OF SEAN D. MCCLUNG TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. ANDREW AND ENDING WITH MARTIN E. FRANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINA A. AUSTINSMITH AND ENDING WITH ANDREW S. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH PETER D. GUZZETTI AND ENDING WITH TERRY M. LARKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATION OF DENNIS J. WING TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH KELVIN L. GEORGE AND ENDING WITH DEBORAH A. ROBERTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

ARMY NOMINATIONS BEGINNING WITH JANICE E. BRUNO AND ENDING WITH DAVID P. SHERIDAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

ARMY NOMINATION OF WILLIAM C. DICKEY TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF LAURA T. WELLS TO BE MAJOR. ARMY NOMINATIONS BEGINNING WITH WILLIAM R. EVERETT AND ENDING WITH PETER D.P. VINT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH STANLEY A. BLOUSTINE AND ENDING WITH TERRY D. NEVILLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH DARIO A. BARRATO AND ENDING WITH DAVID L. JARRATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH JERRY BROMAN AND ENDING WITH FRANKLIN E. TUTTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID A. ACETTA AND ENDING WITH PETER J. ZIOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH LYNETTE M. ARNHART AND ENDING WITH DANIEL E. ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID M. ABINANTI AND ENDING WITH MARTIN A. ZYBURA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH MARY E. ABRAMS AND ENDING WITH X1195, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATION OF RONALD J. WHALEN TO BE MAJOR.

ARMY NOMINATION OF VAUGHN C. WILHITE TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CYLE R. RICHARD AND ENDING WITH THOMAS J. STEINBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL I. ALLEN AND ENDING WITH MATTHEW S. WYSOCKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH JACQUELINE B. CHEN AND ENDING WITH MOISES SOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH JEAN M. BRADY AND ENDING WITH MESHELLE A. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATIONS BEGINNING WITH ROMAN B. REYES AND ENDING WITH CHRISTOPHER VAN WINKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

ARMY NOMINATION OF ANTHONY T. FEBBO TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. HOWE AND ENDING WITH KARL F. SUHR, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

ARMY NOMINATIONS BEGINNING WITH JOHNATHAN T. BALL AND ENDING WITH DANIEL M. KRUMREI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

ARMY NOMINATION OF DANIELLE N. BIRD TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RYAN J. ALLOWITZ AND ENDING WITH MARK A. VANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

ARMY NOMINATIONS BEGINNING WITH ERIC D. AGUILA AND ENDING WITH GARY H. WYNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JAMES R. WARIS TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF RICHARD T. OSTERMEYER TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JEANENE L. TORRANCE TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES M. CARRASCO AND ENDING WITH LISA M. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH CHARLIE C. BILES AND ENDING WITH WILLIAM G. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH STEVEN R. BARTSTOW AND ENDING WITH MARK S. WINWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH ROBERT P. ANSELM AND ENDING WITH ANDREW T. WILKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH ARTURO A. ASEO AND ENDING WITH JEFFREY D. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH JOEL D. BASHORE AND ENDING WITH MEREDITH L. YEAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH JOSEPH H. BECHT AND ENDING WITH CALVIN ZHAO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH MARIA C. ALBERTO AND ENDING WITH LADAWN J. WHITE, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH DOMINGO B. ALINIO AND ENDING WITH CHRISTOPHER R. ZEGLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH MIGUEL A. AGUILERA, JR. AND ENDING WITH GORDON J. ZUBROD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH JAMES W. ADKISSON III AND ENDING WITH MICHAEL A. ZURICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

NAVY NOMINATIONS BEGINNING WITH JACK F. DALRYMPLE, JR. AND ENDING WITH FRED R. WILHELM III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH OHENE O. GYAPONG AND ENDING WITH KEVIN R. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH BRUCE W. BEAM AND ENDING WITH SEAN P. YEMM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH SHEILA T. ASBURY AND ENDING WITH JAMES V. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH KHARY A. BATES AND ENDING WITH AARON J. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH THANONGDETH T. CHINYAVONG AND ENDING WITH WILLIAM E. WREN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH RICHARD S. ARDOLINO AND ENDING WITH BENJAMIN D. ZITITERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH JAMIE W. ACHEE AND ENDING WITH HOLLY A. YUDISKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH BRIAN M. AKER AND ENDING WITH RONALD E. YUN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH DAVID L. AAMODT AND ENDING WITH THOMAS A. ZDUNCZYK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

NAVY NOMINATIONS BEGINNING WITH MARTIN C. HOLLAND AND ENDING WITH JOHN M. WOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2005.

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 68, Continuing Resolution.

Senate

Chamber Action

Routine Proceedings, pages S10773–S10811

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1804–1808, S. Res. 262, and S. Con. Res. 56. **Pages S10796–97**

Measures Passed:

Continuing Resolution: Senate passed H.J. Res. 68, making continuing appropriations for the fiscal year 2006, clearing the measure for the President, after taking action on the following amendment proposed thereto: **Pages S10773–80**

Rejected:

By 39 yeas to 53 nays (Vote No. 246), Harkin Amendment No. 1921, to continue funding for the Community Services Block Grant at no less than last year's level. **Pages S10773–78**

Natural Disaster Student Aid Fairness Act: Senate passed H.R. 3863, to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster, clearing the measure for the President. **Page S10809**

Department of Defense Appropriations: Senate continued consideration of H.R. 2863, making appropriations for the Department of Defense 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, taking action on the following amendments proposed thereto:

Pages S10780, S10781–83

Adopted:

Stevens Amendment No. 1922, to provide funding for the Community Services Block Grant program. **Page S10780**

Salazar Amendment No. 1903, to provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965. **Pages S10781–83**

A unanimous-consent agreement was reached providing for further consideration of the bill at 3 p.m. on Monday, October 3, 2005. **Page S10809**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader and Senator Sessions, be authorized to sign duly enrolled bills or joint resolutions. **Page S10809**

Nominations Confirmed: Senate confirmed the following nominations:

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

Darryl W. Jackson, of the District of Columbia to be an Assistant Secretary of Commerce.

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Patrick M. O'Brien, of Minnesota, to be an Assistant Secretary for Terrorist Financing, Department of the Treasury.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

Margaret Spellings, of Texas, to be a Representative of the United States of America to the Thirty-

third Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

46 Air Force nominations in the rank of general.
11 Army nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S10807–09, S10810–11**

Messages From the House: **Page S10796**

Measures Referred: **Page S10796**

Measures Placed on Calendar: **Page S10796**

Enrolled Bills Presented: **Page S10796**

Additional Cosponsors: **Page S10797**

Statements on Introduced Bills/Resolutions:
Pages S10797–S10806

Amendments Submitted: **Pages S10806–07**

Authority for Committees to Meet: **Page S10807**

Privilege of the Floor: **Page S10807**

Record Votes: One record vote was taken today. (Total—246) **Page S10778**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 3:04 p.m., until 3 p.m., on Monday, October 3, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S10809–10.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS:

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations: of John Hillen, of Virginia, to be Assistant Secretary for Political-Military Affairs, who was introduced by Senator Allen, Barry F. Lowenkron, of Virginia, to be Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State, and Kent R. Hill, of Virginia, and Jacqueline Ellen Schafer, of the District of Columbia, both to be Assistant Administrator, United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

NOMINATIONS:

Committee on the Judiciary: on Thursday, September 29, Committee concluded a hearing to examine the nominations of Margaret Mary Sweeney, of Virginia, and Thomas Craig Wheeler, of Maryland, each to be a Judge of the United States Court of Federal Claims, John Richard Smoak, to be United States District Judge for the Northern District of Florida, who was introduced by Senator Nelson (FL), Brian Edward Sandoval, to be United States District Judge for the District of Nevada, who was introduced by Senators Reid and Ensign, and Harry Sandlin Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee, who was introduced by Senators Frist and Alexander, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

The House was not in session today. It will meet at 4 p.m. on Monday, October 3 in pro forma session and at 10 a.m. on Thursday, October 6 for legislative business.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D964)

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. Signed on September 29, 2005. (Public Law 109–74)

S. 1340, to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment. Signed on September 29, 2005. (Public Law 109–75)

S. 1368, to extend the existence of the Parole Commission. Signed on September 29, 2005. (Public Law 109-76)

CONGRESSIONAL PROGRAM AHEAD

Week of October 3 through October 8, 2005

Senate Chamber

On *Monday*, at 3 p.m., Senate resume consideration of H.R. 2863, Department of Defense Appropriations.

During the balance of the week, Senate will consider any other cleared legislative and executive business, including any appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: October 6, to hold hearings to examine the nominations of Michael W. Wynne, of Florida, to be Secretary of the Air Force, and Donald C. Winter, of Virginia, to be Secretary of the Navy, 9:30 a.m., SD-106.

Committee on Banking, Housing, and Urban Affairs: October 6, to hold hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy, 10 a.m., SD-538.

Committee on Energy and Natural Resources: October 6, to hold hearings to examine Hurricanes Katrina and Rita's effects on energy infrastructure and the status of recovery efforts in the Gulf Coast region, 10 a.m., SD-366.

October 6, Subcommittee on Water and Power, to hold hearings to examine S. 1025, to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas" to authorize the Equus Beds Division of the Wichita Project, S. 1498, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District, 3 p.m., SD-366.

Committee on Environment and Public Works: October 5, to hold hearings to examine the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol, 2:30 p.m., SD-406.

October 6, Full Committee, to hold hearings to examine actions of the Environmental Protection Agency, the Army Corps of Engineers and the Federal Highway Ad-

ministration relating to Hurricane Katrina, 9:30 a.m., SD-406.

Committee on Finance: October 6, to hold hearings to examine the future of the Gulf Coast by using tax policy to help rebuild businesses and communities and support families after disasters, 10 a.m., SD-215.

October 6, Subcommittee on International Trade, to hold hearings to examine the U.S.-Bahrain Free Trade Agreement, 2:30 p.m., SD-215.

Committee on Homeland Security and Governmental Affairs: October 6, to hold hearings to examine Federal Emergency Management Agency (FEMA) status report on recovery efforts in the Gulf States, 10 a.m., SD-342.

October 6, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine improving Department of Defense logistics, focusing on a piece of the Department's business transformation efforts, supply chain management, 2:30 p.m., SD-342.

October 6, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine how the Federal government leases needed space, 2:30 p.m., SD-562.

Committee on the Judiciary: October 6, to hold hearings to examine pending judicial nominations, 2:30 p.m., SD-226.

Select Committee on Intelligence: October 5, to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH-219.

October 6, Full Committee, to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: October 5, to hold hearings to examine preparing for and meeting the needs of older Americans during a disaster, 10:30 a.m., SH-216.

House Committees

Committee on Appropriations, October 6, Subcommittee on Homeland Security, hearing on Financial Oversight of Supplemental Appropriations for Hurricane Katrina, 2 p.m., 2359 Rayburn.

October 6, Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, hearing on Department of Transportation (Hurricane Katrina), 10 a.m., 2358 Rayburn.

Committee on the Budget, October 6, hearing on After the Hurricanes: Impact on the Fiscal Year 2007 Budget, 2 p.m., 210 Cannon.

Committee on Energy and Commerce, October 6, Subcommittee on Oversight and Investigations, hearing entitled "FCC's E-rate Plans to Assist Gulf Coast Recovery," 1 p.m., 2123 Rayburn.

Committee on Government Reform, October 5, Subcommittee on Federal Workforce and Agency Organization, hearing entitled "Mom, Apple Pie, and Working for America: Accountability and Rewards for the Federal Workforce," 10 a.m., 2154 Rayburn.

Committee on International Relations, October 6, hearing entitled “The Six-Party Talks and the North Korean Nuclear Issues: Old Wine in New Bottles?” 10:30 a.m., 2172 Rayburn.

October 6, Subcommittee on Africa, Global Human Rights and International Operations, hearing entitled “India’s Unfinished Agenda: Equality and Justice for 200 Million Victims of the Caste System,” 2 p.m., 2172 Rayburn.

Committee on the Judiciary, October 6, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1369, To prevent certain discriminatory taxation of natural gas pipeline property, 2 p.m., 2141 Rayburn.

October 6, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Improving Federal Court Adjudication of Patent Cases, 4:30 p.m., 2141 Rayburn.

Committee on Resources, October 6, Subcommittee on Water and Power, hearing on the following bills: H.R. 122, Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 2341, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; H.R. 3418, Central Texas Water Recycling Act of 2005; and H.R. 3929, To amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies,

and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, 2 p.m., 1324 Longworth.

October 7, Subcommittee on Forests and Forest Health, oversight hearing entitled “Restoration after Recent Hurricanes and other Natural Disasters: Federal Role in Recovery after Catastrophic Events Affecting Forest Lands,” 9 a.m., 1324 Longworth.

Committee on Science, October 7, hearing on NOAA Hurricane Forecasting, 10 a.m., 2318 Rayburn.

Committee on Small Business, October 7, hearing entitled “Small Businesses and Hurricane Katrina: Rebuilding the Economy,” 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 6, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing entitled “Recovering after Katrina: Ensuring that FEMA is up to the task,” 11 a.m., 2167 Rayburn.

Committee on Ways and Means, October 7, Subcommittee on Health, hearing on gainsharing to align the interests of health care providers, 10 a.m., 1100 Longworth.

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, October 6, to continue hearings on Hurricane Katrina, 10 a.m., 2154 Rayburn.

Joint Meetings

Joint Economic Committee: October 7, to hold hearings to examine the employment situation for September, 9:30 a.m., 1334 LHOB.

Next Meeting of the SENATE

3 p.m., Monday, October 3

Senate Chamber

Program for Monday: Senate will resume consideration of H.R. 2863, Defense Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

4 p.m., Monday, October 3

House Chamber

Program for Monday: The House will meet at 4 p.m. in pro forma session.



Congressional Record

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