

House and Secretary Rumsfeld can keep quoting President Clinton, Vice President Gore, and Secretary Albright; but they were not the ones who sent thousands of American soldiers to war.

Mr. Speaker, the President owes us an apology. He should level with the American people and stop trying to shirk responsibility for his flawed Iraq policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

□ 1045

HURRICANE REGULATORY RELIEF ACT OF 2005

Mr. JINDAL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3975) to ease the provision of services to individuals affected by Hurricanes Katrina and Rita, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3975

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 “Hurricane Regulatory Relief Act of 2005”.

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

Sec. 1. Short title; table of contents.

TITLE I—EDUCATION

Subtitle A—Elementary and secondary educational programs

Sec. 101. Charter schools.

Subtitle B—Teacher flexibility

Sec. 111. Treatment of highly qualified teachers.

Subtitle C—Educational programs for children with disabilities

Sec. 121. Agreements to extend certain deadlines of the Individuals with Disabilities Education Act to facilitate the provision of educational services to children with disabilities.

Sec. 122. Paperwork reduction pilot program participation for affected States.

Subtitle D—Higher education relief

Sec. 131. Waivers and modifications.

Sec. 132. Transfer of credit.

Sec. 133. Expanding information dissemination regarding eligibility for Pell Grants.

Sec. 134. Procedures; termination of authority.

Subtitle E—Regulatory relief

Sec. 151. Regulatory and financial relief.

TITLE II—HEALTH AND HUMAN SERVICES

Subtitle A—Community services

Sec. 201. Secretary authority.

Sec. 202. State authority.

Subtitle B—Head Start

Sec. 211. Head start and early head start children affected by a Gulf hurricane disaster.

Subtitle C—Child care services

Sec. 221. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.

TITLE III—LABOR

Subtitle A—Pension Flexibility for Displaced Workers Act of 2005

Sec. 301. Short title.

Sec. 302. Authority to prescribe guidance by reason of the Presidentially declared disasters caused by Hurricane Katrina and Hurricane Rita.

Sec. 303. Authority in the event of Presidentially declared disaster or terroristic or military actions.

Subtitle B—Occupational safety and health

Sec. 311. Authorization for volunteers.

Sec. 312. Purchase and distribution of equipment.

Sec. 313. State assistance and matching fund restrictions.

Sec. 314. Expiration.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Definitions.

Sec. 402. Procedural waivers.

Sec. 403. Reporting requirements.

TITLE I—EDUCATION

Subtitle A—Elementary and Secondary Educational Programs

SEC. 101. CHARTER SCHOOLS.

The Secretary of Education shall encourage States—

(1) to include charter schools in Gulf hurricane disaster relief efforts;

(2) to provide support to charter schools that are serving individuals adversely affected by a Gulf hurricane disaster; and

(3) to facilitate the enrollment of students displaced by a Gulf hurricane disaster in charter schools, including by—

(A) waiving any requirement relating to whether a student has resided in the geographic area of the charter school;

(B) increasing the number of students who may attend a charter school; and

(C) removing any other relevant restrictions.

Subtitle B—Teacher Flexibility

SEC. 111. TREATMENT OF HIGHLY QUALIFIED TEACHERS.

For purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), an individual who was employed as a teacher on August 29, 2005, by a local educational agency in a State, and who was highly qualified for such employment on such date, may be considered by another State, during the 2005–2006 school year, to be highly qualified in the same core academic subjects for purposes of subsequent employment as a teacher by a local educational agency in such other State, if—

(1) the local educational agency employing the teacher on August 29, 2005, serves an area affected by a Gulf hurricane disaster; and

(2) the local educational agency subsequently employing the teacher hired the teacher due to needs created by the enrollment of displaced students.

Subtitle C—Educational Programs for Children With Disabilities

SEC. 121. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

(a) AUTHORITY.—The Secretary of Education may enter into an agreement described in subsection (b) with an eligible entity to extend certain deadlines under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) related to providing special education and related services, including early intervention services, to individuals adversely affected by a Gulf hurricane disaster.

(b) TERMS OF AGREEMENTS.—An agreement referred to in subsection (a) is an agreement with an eligible entity made in accordance with subsection (e) that may extend the applicable deadlines under one or more of the following sections:

(1) Section 611(e)(3)(C)(ii) of such Act, by extending up to an additional 60 days the 90 day deadline for developing a State plan for the high cost fund.

(2) Section 612(a)(15)(C) of such Act, by extending up to an additional 60 days the deadline for submission of the annual report to the Secretary of Education and the public regarding the progress of the State and of children with disabilities in the State.

(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed—

(1) as permitting the waiver of—

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parental consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b)(1) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families—

(A) a free appropriate public education under part B of the Individuals with Disabilities Education Act; or

(B) early intervention services under part C of such Act.

(d) DURATION OF AGREEMENT.—An agreement under this section shall terminate at the conclusion of the 2005–2006 academic year.

(e) REQUEST TO ENTER INTO AGREEMENT.—To enter into an agreement under this section, an eligible entity shall submit a request to the Secretary of Education at such

time, in such manner, and containing such information as the Secretary may require.

SEC. 122. PAPERWORK REDUCTION PILOT PROGRAM PARTICIPATION FOR AFFECTED STATES.

(a) **AUTHORITY.**—To identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in order to increase the time and resources available for instruction and other activities aimed at improving educational and functional results for children with disabilities, the Secretary of Education is authorized to permit an affected State to participate in the paperwork reduction pilot program described in section 609(a) of such Act.

(b) **PARTICIPATION BY AFFECTED STATES.**—Participation in the paperwork reduction pilot program by an affected State shall be in addition to the maximum number of States that may so participate in accordance with section 609(a)(2)(A) of such Act.

(c) **PROPOSAL.**—

(1) **IN GENERAL.**—An affected State desiring to participate in the paperwork reduction pilot program described in section 609(a) of such Act shall submit a proposal to the Secretary in accordance with section 609(a)(3) of such Act, subject to paragraph (2) of this subsection.

(2) **SIMPLIFICATION.**—The Secretary may simplify the proposal process for an affected State to participate in the program if the Secretary determines that such simplification is appropriate.

(d) **RULE OF CONSTRUCTION.**—The requirements and authorities described in section 609(a) of such Act that are not modified by this section with respect to an affected State shall apply to such State.

Subtitle D—Higher Education Relief

SEC. 131. WAIVERS AND MODIFICATIONS.

Notwithstanding any other provision of law unless enacted with specific reference to this section, the Secretary of Education is authorized to waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965, or any student or institutional eligibility provisions in such Act, as the Secretary of Education deems necessary to ensure that the calculation of expected family contribution (under section 474 of such Act) used in the determination of need for student financial assistance under such title for any affected student (and the determination of such need for his or her family, if applicable), is modified to reflect any changes in the financial condition of such affected student and his or her family resulting from a Gulf hurricane disaster.

SEC. 132. TRANSFER OF CREDIT.

(a) **POLICY DISCLOSURE.**—For periods of enrollment beginning in calendar year 2006, each institution of higher education shall establish and publicize policies of the institution regarding the acceptance or denial of academic credit earned at another institution of higher education, which shall include a statement that such decisions will not be based solely on the source of accreditation of a sending institution, provided that the sending institution is accredited by an agency or association that is recognized by the Secretary of Education pursuant to section 496 of the Higher Education Act of 1965 to be a reliable authority as to the quality of the education or training offered.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to—

(1) authorize an officer or employee of the Department of Education to exercise any direction, supervision, or control over the curriculum, program of instruction, administra-

tion, or personnel of any institution of higher education, or over any accrediting agency or association;

(2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.); or

(3) create any legally enforceable right.

SEC. 133. EXPANDING INFORMATION DISSEMINATION REGARDING ELIGIBILITY FOR PELL GRANTS.

(a) **IN GENERAL.**—The Secretary of Education shall—

(1) make special efforts, in conjunction with State efforts, to notify affected students and, if applicable, their parents, who qualify for a means-tested Federal benefit program, of their potential eligibility for a maximum Pell Grant; and

(2) disseminate informational materials regarding such eligibility as the Secretary of Education deems appropriate.

(b) **MEANS-TESTED FEDERAL BENEFIT PROGRAM.**—For the purpose of this section, the term “means-tested Federal benefit program”—

(1) means a mandatory spending program of the Federal Government, other than a program under the Higher Education Act of 1965, in which eligibility for the program’s benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit; and

(2) may include—

(A) the supplemental security income program under title XVI of the Social Security Act;

(B) the food stamp program under the Food Stamp Act of 1977;

(C) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act;

(D) the temporary assistance to needy families program established under part A of title IV of the Social Security Act;

(E) the women, infants, and children program established under section 17 of the Child Nutrition Act of 1966; and

(F) other programs identified by the Secretary of Education.

SEC. 134. PROCEDURES; TERMINATION OF AUTHORITY.

(a) **DEADLINES AND PROCEDURES.**—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098(a)) shall not apply to any waivers, modifications, or actions initiated by the Secretary of Education under this subtitle.

(b) **CASE-BY-CASE BASIS.**—The Secretary of Education is not required to exercise any waiver or modification authority under this subtitle on a case-by-case basis.

(c) **TERMINATION OF AUTHORITY.**—The authority of the Secretary of Education to issue waivers or modifications under this subtitle shall expire at the conclusion of the 2005–2006 academic year, but the expiration of such authority shall not affect the continuing validity of any such waivers or modifications after such academic year.

Subtitle E—Regulatory Relief

SEC. 151. REGULATORY AND FINANCIAL RELIEF.

(a) **WAIVER AUTHORITY.**—Subject to subsections (b) and (c), in providing any grant or other assistance, directly or indirectly, to an entity in an affected State, the Secretary of Education may, as applicable, waive or modify in order to ease fiscal burdens any requirement relating to the following:

(1) Maintenance of effort.

(2) The use of Federal funds to supplement, not supplant, non-Federal funds.

(3) Any non-Federal share or capital contribution required to match Federal funds provided under programs administered by the Secretary of Education.

(b) **DURATION.**—A waiver under this section shall be for the 2006 fiscal year.

(c) **LIMITATIONS.**—

(1) **RELATION TO IDEA.**—This section does not authorize the waiver or modification of any provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) **MAINTENANCE OF EFFORT.**—If the Secretary grants a waiver or modification under this section waiving a requirement relating to maintenance of effort for a fiscal year, the level of effort required for the following fiscal year shall not be reduced because of the waiver.

TITLE II—HEALTH AND HUMAN SERVICES

Subtitle A—Community Services

SEC. 201. SECRETARY AUTHORITY.

The Secretary of Health and Human Services may waive with respect to any affected State for up to 90 days after the enactment of this Act the filing deadline under section 676(b) of the Community Services Block Grant Act.

SEC. 202. STATE AUTHORITY.

(a) **TRANSFER OF FUNDING.**—A State that receives a payment or allotment under section 675A or 675B of the Community Services Block Grant Act may transfer a portion of the payment or allotment available for expenditure under section 675C(b) (including sums available for administrative expenses under paragraph (2) of such section 675C(b)) to an affected State.

(b) **STAFF.**—A State lead agency designated under section 676(a)(1) of the Community Services Block Grant Act or an eligible entity (as defined in section 673 of such Act) may send an employee of the State lead agency, or of an eligible entity, to an area affected by a Gulf hurricane disaster to help in providing disaster assistance.

(c) **ELIGIBLE ENTITY.**—A State lead agency in an affected State may temporarily fund an eligible entity in a contiguous area, or if such entity is not available to provide such services, may temporarily fund alternative service providers (notwithstanding the definition of an eligible entity as defined in section 673 of the Community Services Block Grant Act) when the currently funded eligible entity is no longer able to provide services due to a Gulf hurricane disaster in order to meet the immediate needs of individuals adversely affected by a Gulf hurricane disaster (provided that in the meantime the State is assisting such current eligible entity in becoming operational).

(d) **RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.**—Notwithstanding any other provision of law, an affected State may apply the recapture and redistribution of unobligated funds provisions under section 675C(a)(3) of the Community Services Block Grant Act provided that the State consults with the eligible entity involved.

Subtitle B—Head Start

SEC. 211. HEAD START AND EARLY HEAD START CHILDREN AFFECTED BY A GULF HURRICANE DISASTER.

(a) **TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.**—The Secretary of Health and Human Services shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources, through other regional offices of the Administration, at the request of such offices, that administer affected Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to affected Head Start agencies, to assist the agencies involved in providing Head Start services and Early Head Start services to children affected by a Gulf hurricane disaster.

(b) **WAIVER.**—For such period up to June 30, 2006, and to such extent as the Secretary

considers appropriate, the Secretary of Health and Human Services—

(1) may waive section 640(b) of the Head Start Act for Head Start agencies located in an area affected by a Gulf Hurricane disaster and other affected Head Start agencies; and

(2) shall waive requirements of documentation for an individual adversely affected by a Gulf hurricane disaster who participates in a Head Start program or an Early Head Start program funded under the Head Start Act.

Subtitle C—Child Care Services

SEC. 221. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

For such period up to June 30, 2006, and to such extent as the Secretary considers to be appropriate, the Secretary of Health and Human Service may waive or modify, for any affected State, and any State serving significant numbers of individuals adversely affected by a Gulf hurricane disaster, provisions of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to Federal income limitations on eligibility to receive child care services for which assistance is provided under such Act,

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act,

(3) relating to limitations on the use of funds under section 658G of the Child Care and Development Block Grant Act of 1990,

(4) preventing children designated as evacuees from receiving priority for child care services provided under such Act, except that children residing in a State and currently receiving services should not lose such services in order to accommodate evacuee children, and

(5) relating to any non-Federal or capital contribution required to match Federal funds provided under programs administered by the Secretary of Health and Human Services,

for purposes of easing State fiscal burdens and providing child care services to children orphaned, or of families displaced, as a result of a Gulf hurricane disaster.

TITLE III—LABOR

Subtitle A—Pension Flexibility for Displaced Workers Act of 2005

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “Pension Flexibility for Displaced Workers Act of 2005”.

SEC. 302. AUTHORITY TO PRESCRIBE GUIDANCE BY REASON OF THE PRESIDENTIALLY DECLARED DISASTERS CAUSED BY HURRICANE KATRINA AND HURRICANE RITA.

(a) WAIVERS, SUSPENSIONS, OR EXEMPTIONS.—In the case of any pension plan which is an individual account plan, or any participant or beneficiary, plan sponsor, administrator, fiduciary, service provider, or other person with respect to such plan, affected by Hurricane Katrina or Hurricane Rita, or any service provider or other person dealing with such plan, the Secretary of Labor may, notwithstanding any provision of title I of the Employee Retirement Income Security Act of 1974, prescribe, by notice or otherwise, a waiver, suspension, or exemption from any provision of such title which is under the regulatory authority of such Secretary, or from regulations issued under any such provision, that such Secretary determines appropriate to facilitate the distribution or loan of assets from such plan to participants and beneficiaries of such plan. At the time of the issuance of such waiver, suspension, or exemption, such Secretary shall publish in

the Federal Register the terms of such waiver, suspension, or exemption.

(b) EXEMPTION FROM LIABILITY FOR ACTS OR OMISSIONS COVERED BY WAIVER, SUSPENSION, OR EXEMPTION.—No person shall be liable for any violation of title I of the Employee Retirement Income Security Act of 1974, or of any regulations issued under such title, based upon any act or omission covered by a waiver, suspension, or exemption issued under subsection (a) if such act or omission is in compliance with the terms of the waiver, suspension, or exemption.

(c) PLAN TERMS SUBJECT TO WAIVER, SUSPENSION, OR EXEMPTION.—Notwithstanding any provision of the plan to the contrary and to the extent provided in any waiver, suspension, or exemption issued by the Secretary of Labor pursuant to subsection (a), no plan shall be treated as failing to be operated in accordance with its terms solely as a result of acts or omissions which are in compliance with the terms of such waiver, suspension, or exemption.

(d) EXPIRATION OF AUTHORITY.—This section shall apply only with respect to waivers, suspensions, or exemptions issued by the Secretary of Labor during the 1-year period following the date of the enactment of this Act.

(e) DEFINITIONS.—Terms used in this section shall have the meanings provided such terms in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

SEC. 303. AUTHORITY IN THE EVENT OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

Section 518 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1148) is amended by inserting “, under any regulation issued thereunder, or under any plan provision” after “under this Act”.

Subtitle B—Occupational Safety and Health

SEC. 311. AUTHORIZATION FOR VOLUNTEERS.

(a) AUTHORITY TO RECRUIT, TRAIN, AND UTILIZE.—Notwithstanding any other provision of law, the Secretary of Labor (hereafter “the Secretary”) may recruit, train, accept, and utilize, without regard to the civil service classification laws, rules, or regulations, the services of volunteer individuals to aid in or facilitate the activities administered by the Secretary through the Occupational Safety and Health Administration for projects related to worker safety and health in response to the effects of Hurricane Katrina and Hurricane Rita.

(b) PROVISION OF SERVICES AND COSTS.—The Secretary may provide for services and costs incidental to the utilization of volunteers under subsection (a), including transportation, supplies, equipment (including personal protective equipment), uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards and recognition (including nominal cash awards).

(c) FEDERAL EMPLOYMENT STATUS OF VOLUNTEERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a volunteer under this section shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) EXCEPTION.—A volunteer under this section shall be considered a Federal employee for the purposes of—

(A) required Federal agency safety and health programs under section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), Executive Order 12196 (45 Fed.

Reg. 12769) and part 1960 of title 29, Code of Federal Regulations; and

(B) the standards of ethical conduct provisions of part 2635 of title 5, Code of Federal Regulations.

(d) LIMITATION.—No volunteer authorized under this section may aid in or facilitate any inspection or investigation relating to, or the enforcement of, the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 312. PURCHASE AND DISTRIBUTION OF EQUIPMENT.

The Secretary is authorized to purchase and distribute equipment and supplies to public or private entities and individuals for projects administered by the Occupational Safety and Health Administration related to worker safety and health in response to the effects of Hurricane Katrina and Hurricane Rita.

SEC. 313. STATE ASSISTANCE AND MATCHING FUND RESTRICTIONS.

(a) USE OF FUNDS.—Notwithstanding any other provision of law, States that administer State plans under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), or cooperative agreements under section 21(d) of such Act (29 U.S.C. 670(d)) may use grant funds awarded under section 21 or 23 of such Act (29 U.S.C. 670; 672) to provide assistance to the Occupational Safety and Health Administration for projects related to worker safety and health in response to the effects of Hurricane Katrina and Hurricane Rita.

(b) MATCHING FUND REQUIREMENT.—Notwithstanding the matching share requirements of section 23 of such Act or any other provision of law, the Secretary may increase the size of a grant to any State providing assistance under subsection (a) by an amount of up to 100 percent of the cost of travel and subsistence, overtime, and other administrative expenses incurred by the State in providing such assistance.

SEC. 314. EXPIRATION.

This authorities granted in this title shall terminate on December 31, 2006.

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

For purposes of this Act, except as otherwise specifically provided in this Act, the following terms have the following meanings:

(1) AFFECTED HEAD START AGENCIES.—The term “affected Head Start Agencies” means a Head Start agency receiving a significant number of children from an area in which a Gulf hurricane disaster has been declared.

(2) AFFECTED STATE.—The term “affected State” means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(3) AFFECTED STUDENT.—The term “affected student” means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and who—

(A) was enrolled or accepted for enrollment, as of August 29, 2005, at an institution of higher education in an area affected by a Gulf hurricane disaster;

(B) was a dependent student enrolled or accepted for enrollment at an institution of higher education that is not in an area affected by a Gulf hurricane disaster, but whose parents resided or were employed, as of August 29, 2005, in an area affected by a Gulf hurricane disaster; or

(C) was enrolled or accepted for enrollment at an institution of higher education, as of August 29, 2005, and whose attendance was interrupted because of a Gulf hurricane disaster.

(4) AREA AFFECTED BY A GULF HURRICANE DISASTER.—The term “area affected by a Gulf hurricane disaster” means a county or

parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(5) **CHARTER SCHOOL.**—The term “charter school” has the meaning given to that term in section 5210 of the Elementary and Secondary Education Act of 1965.

(6) **CHILD WITH A DISABILITY.**—The term “child with a disability” has the meaning given such term in section 602(3) of the Individuals with Disabilities Education Act.

(7) **DISPLACED STUDENT.**—The term “displaced student” means an individual who—

(A) but for a Gulf hurricane disaster, would be enrolled during a school year in an elementary or secondary school in an affected State;

(B) is unable, due to such disaster, to access the education and pupil services that the child otherwise would be receiving at such school; and

(C) due to such disaster, is enrolled at a public elementary or secondary school in a different geographic location in a State.

(8) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(9) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency (as defined in section 602(19) of the Individuals with Disabilities Education Act) if such agency is located in a State or in an area of a State with respect to which the President has declared that a Gulf hurricane disaster exists;

(B) a State educational agency (as defined in section 602(32) of such Act) if such agency is located in a State with respect to which the President has declared that a Gulf hurricane disaster exists; or

(C) a State interagency coordinating council established under section 641 of such Act if such council is located in a State with respect to which the President has declared that a Gulf hurricane disaster exists.

(10) **GULF HURRICANE DISASTER.**—The term “Gulf hurricane disaster” means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(11) **HIGHLY QUALIFIED.**—The term “highly qualified”—

(A) in the case of a special education teacher, has the meaning given such term in section 602 of the Individuals with Disabilities Education Act; and

(B) in the case of any other elementary, middle, or secondary school teacher, has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(12) **INDIVIDUAL ADVERSELY AFFECTED BY A GULF HURRICANE DISASTER.**—The term “individual adversely affected by a Gulf hurricane disaster” means an individual who, on August 29, 2005, was living, working, or attending school in an area in which the President has declared to exist a Gulf hurricane disaster.

(13) **INFANT OR TODDLER WITH A DISABILITY.**—The term “infant or toddler with a disability” has the meaning given such term in section 632(5) of the Individuals with Disabilities Education Act.

(14) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 102 of the Higher Education Act of 1965, except that the term does not include institutions under subsection (a)(1)(C) of that section.

(15) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning

given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(16) **PUPIL SERVICES.**—The term “pupil services” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(17) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(18) **STATE.**—The term “State” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(19) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(20) **STATE LEAD AGENCY.**—The term “State lead agency” has the meaning given such term as designated under 676(a)(1) of the Community Services Block Grant Act.

SEC. 402. PROCEDURAL WAIVERS.

(a) **PUBLICATION.**—

(1) **IN GENERAL.**—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary of Education shall make publicly available the waivers or modifications of statutory and regulatory provisions and other actions the Secretary of Education issues pursuant to this title.

(2) **TERMS AND CONDITIONS.**—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

SEC. 403. REPORTING REQUIREMENTS.

(a) **CONTENTS OF REPORT.**—Not later than September 30, 2006, each State that exercises any authority provided in this Act shall submit to the Secretary of jurisdiction a report containing such information as the Secretary may require, including information identifying—

(1) how flexibility provided under this Act is used to provide assistance to individuals adversely affected by a Gulf hurricane disaster, including the number of such individuals assisted;

(2) how such individuals were assisted;

(3) if any staff was sent to an area adversely affected by a Gulf hurricane disaster under title II, subtitle A;

(4) specifying how an affected State exercised its waiver authority under this Act to assist individuals adversely affected by a Gulf hurricane disaster, including waivers received under section 331;

(5) the amount of funding transferred among programs specified in section 331;

(6) the amount of funding, if any, transferred to an affected State under subtitle A of title II and how such funds were distributed;

(7) how additional alternative service providers were chosen by such State to provide immediate assistance under subtitle A of title II; and

(8) the number and location of teachers considered to be highly qualified for purposes of subsequent employment as a teacher by a local educational agency that hired the teachers due to needs created by the enrollment of displaced students under section 111.

(b) **REPORT TO CONGRESS.**—Not later October 30, 2006, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the respective Committees on Appropriations the report described in subsection (a), and any comments the Secretary may have with respect to such report.

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to the rule, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. JINDAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3975.

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

There was no objection.

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

I rise in support of H.R. 3975, the Hurricane Regulatory Relief Act of 2005. This bill will provide much-needed flexibility and regulatory relief to help the students, schools, workers, families and communities affected by Hurricanes Katrina and Rita.

While the recovery effort on the gulf coast is well underway, there is still a significant amount of work yet to be done. In my home State of Louisiana, educational services at all levels have been severely impacted by Hurricanes Katrina and Rita. Unfortunately, we are finding the bureaucratic inefficiencies and red tape have a tendency to slow the efforts of individuals and communities working to rebuild. Entire communities have been uprooted by these unprecedented natural disasters, and we must work to ensure that bureaucratic red tape does not hamper efforts to restore the region.

Accordingly, I have introduced the Hurricane Regulatory Relief Act of 2005 to provide commonsense solutions and flexibility that will help affected students, schools, workers, families and communities bypass the bureaucracy and move forward with the recovery effort.

In general, this bill eases restrictions and provides flexibility for various programs and initiatives administered by the Departments of Education, Health and Human Services and, finally, the Department of Labor. For an unlimited period of time, H.R. 3975 increases flexibility for elementary and secondary schools and teachers; provides assistance for higher education students; expands access to child care and early childhood education; promotes community-based services; and addresses issues related to workers displaced by the hurricanes.

H.R. 3975 would ease some financial requirements, such as maintenance of effort and supplement not supplant funding requirements for K-12 schools in the impacted gulf coast region. Easing these requirements would ensure States and schools can serve students effectively with the resources available. The bill also gives these schools more time with regard to special education evaluations and reporting requirements. By extending, but not

waiving, these deadlines, States and schools would have the flexibility they need to ensure the affected students will have access to the services they need.

To address the specific needs of teachers, the Hurricane Regulatory Relief Act would expand opportunities for quality teachers to serve displaced students. For 1 year, the bill would allow teachers that meet the highly qualified standard in an affected state to be considered highly qualified in other States that are serving large numbers of displaced students where they may be temporarily teaching.

The bill would also help special education teachers by expanding the paperwork reduction pilot program under the Disabilities Education Act to include States affected by the hurricanes.

To assist higher education students, H.R. 3975 would expand outreach efforts to ensure disadvantaged students and families have access to information about financial aid that may be available as they pursue higher education. The bill requires colleges and universities to adjust financial aid award calculations through the expected family contribution, taking into account changes in families' financial circumstances caused by the hurricanes. H.R. 3975 would also encourage institutions of higher education to ease the process for displaced students to transfer the academic credits they have earned and to continue their studies as the region rebuilds.

With regard to child care services and early childhood education, the Hurricane Regulatory Relief Act would ease Federal requirements for State administration of the child care and development block grant to give affected families easier access to child care service. Additionally, H.R. 3975 would ensure that displaced children have access to Head Start by requiring the Department of Health and Human Services to provide additional guidance, technical assistance, flexibility and resources to affected areas to ensure children impacted by the hurricanes will have access to the educational and comprehensive services provided through the Head Start program.

To promote community-based services, H.R. 3975 would provide additional flexibility within the community services block grant program by allowing a State to send a portion of its discretionary funds to a State directly affected by the hurricanes.

The Hurricane Regulatory Relief Act also includes several modest but important provisions to provide greater flexibility to those in need and to ensure that bureaucratic red tape does not impede relief and recovery efforts.

So that those who may need to be able to obtain loans or distributions from their pension plans, such as 401(k)s, the bill provides new authority to supplement the Secretary of Labor's existing authority under section 518 of

ERISA by authorizing the Secretary to waive, suspend or grant an exemption from any provision of ERISA, or regulation issued under the Act, if the Secretary determines that doing so would facilitate the distribution or loan of individual account plan assets to participants and beneficiaries affected by Hurricanes Katrina or Rita. This commonsense provision makes clear that compliance with the terms of a waiver, suspension or exemption would safeguard a person from liability regarding any action or omission covered under them.

In addition, to speed and facilitate recovery efforts, while maintaining important safety protections for workers engaged in reconstruction, the Hurricane Regulatory Relief Act includes several amendments to the Occupational Safety and Health Act.

First, the bill expressly provides that the Secretary of Labor may utilize the services of volunteers to assist in the recovery effort, a practice often impossible under current law.

Second, the legislation authorizes the Secretary to use OSHA funds to purchase and distribute equipment and supplies to public and private entities assisting in hurricane-related recovery.

Finally, the bill waives current law matching requirements for certain grants so that States that maintain their own occupational safety and health system may contribute supplies and assistance in relief efforts.

The Hurricane Regulatory Relief Act provides flexibility and regulatory relief to help students, schools, workers, families and communities affected by Hurricanes Katrina and Rita. This bill is narrowly tailored and makes commonsense changes to these various statutes for a limited amount of time so we can help reduce many burdensome bureaucratic processes that are associated with our relief efforts.

As former president of the University of Louisiana system, I truly understand the need to be flexible, responsive and to help the neediest students and the affected institutions in their time of need. I urge my colleagues to support H.R. 3975, the Hurricane Regulatory Relief Act of 2005.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

First of all, Mr. Speaker, let me commend the gentleman from Louisiana (Mr. JINDAL) for developing this legislation. I might also note that we were able to work with the majority on several provisions in this bill and were able to make some greatly needed improvements.

As the gentleman from Louisiana pointed out, this bill offers the gulf coast areas much-needed flexibility in the area of No Child Left Behind, Head Start programs, child care, higher education, OSHA and ERISA. This new flexibility will help them begin the long and arduous task of recovery.

States have asked for this flexibility, and it is only right that we provide them with it.

However, we must note that it has been over 2 months since the hurricanes hit the gulf coast area, and for 2 months now, we have ignored the fact that the States who have taken in these students and families have been serving these families with limited resources, and even worse, we have ignored the immediate needs of the education systems directly hit by the storms.

For 2 months now, schools across the Nation have borne the additional responsibility of educating over 370,000 students displaced by the storms.

Almost every State has welcomed students from the gulf coast areas. No one has been turned away. These schools have opened their doors to the 12,000 Louisiana teachers that were displaced.

Unfortunately, States and school districts have also had to bear the additional costs of doing so without any real assistance from the Federal Government.

In the gulf coast areas, school districts are running out of money, unable to pay administrators or teachers.

Over 4,000 teachers have been furloughed from the New Orleans school district alone.

Even worse, for those school districts damaged by the storm, Federal assistance has been slow in coming, although Louisiana alone estimated their immediate need at \$2.8 billion.

The shame in all of this is that if this leadership really wanted to do something for these families, they would have reached across the aisle and worked on a bipartisan effort to address the needs of these school districts. Instead, over 2 months now since the storms, these school systems are still waiting.

According to Health and Human Services, 18,000 children attended Head Start in the counties most directly impacted by Hurricane Katrina. More than 700 centers were damaged or closed, and 82 remain closed because of significant physical damage or serious mold problems.

The regulatory waivers in this bill are good, but they ignore the most important need, funding that will get Head Start centers back up and running and funding to help centers in areas like Houston expand their capacity to serve displaced Head Start families.

Two weeks ago, the President requested Congress to appropriate \$90 million immediately for helping these Head Start centers, and the Congress has yet to send an additional dime to Head Start centers in the gulf coast.

Community action agencies across the country administer other programs that are essential to low-income Americans, programs like Meals on Wheels, energy assistance, child care, after school programs and workforce programs.

Health and Human Services reports that in the 6 weeks after Hurricane Katrina, community action agencies nationwide have served over 196,000 individuals displaced by Hurricanes Katrina and Rita.

Though the waiver provisions in this bill may help the operations of community action agencies, it continues to ignore the most pressing and obvious need, additional resources for these agencies to meet the increased needs of the communities and individual families affected by the hurricanes.

Child care and child care assistance is critical to any effort to rebuild the gulf coast. Families looking to put their lives back together need a safe and healthy place to leave their child as they seek employment or go to work.

In the counties most affected by the hurricanes, reports are that as many as 90 percent of child care centers and family-based child care have been wiped out.

Waiving regulations will not help families find affordable child care. Additional resources are critically needed and still absent from this Congress.

Over 100,000 students and approximately 30,000 faculty and staff at 30 colleges have been impacted by Hurricane Katrina alone. As a result, hundreds of thousands of gulf coast residents are jobless, homeless and displaced. It will take decades to restore the economic strength to the gulf coast region.

While this bill will help impact the students and borrowers, by echoing provisions in the Gulf Coast Hurricane Student and School Relief Act introduced by the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) that provide loan deferment and by ensuring that the amount that families are expected to pay towards college for the current term and the next academic year is readjusted, it completely fails to help rebuild the devastated colleges and universities.

Dillard University, Xavier University of Louisiana and Southern University at New Orleans, all historically black colleges and universities, suffered at least \$1 billion in flood and fire destruction. Yet this bill provides no assistance to help rebuild the schools, recruit or retain students, faculty and staff.

We share the majority's concern that rebuilding in the hurricane-affected areas occur under safe working conditions.

While we prefer that the Secretary use existing trained OSHA staff and grantees, we agree that volunteers may be used in appropriate circumstances. The majority has agreed that all volunteers will be appropriately trained and will not carry out existing OSHA enforcement activities.

We also understand that hurricane-affected families may need to tap into their 401(k) retirement nest eggs in this time of financial need and crisis.

Congress has already passed legislation that the President has signed into law that enables pension plan participants to access their 401(k) moneys.

This provision permits the Secretary to waive department requirements that may conflict with these 401(k) distributions. Again, we hope the Secretary will exercise this authority judiciously and in a way that assists participants without taking away any of their rights under current law.

Mr. Speaker, the provision in this package will offer gulf coast States much-needed flexibility in each of these areas. It is an important first step. However, it is unfortunate that the majority has yet to move forward with a supplemental package to address the critical needs of families and students who have relocated.

In fact, it appears that the leadership is more focused on providing tax breaks to the rich, cutting critical safety net programs, cutting student loan programs and cutting Medicaid than they are on providing assistance to the victims of Katrina.

Instead of getting funds directly to these schools and families that are in dire need, this House leadership wants to slash vital services for working families.

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Nearly \$9 billion of \$11.9 billion in Medicaid cuts fall directly on enrollees. The nonpartisan Congressional Budget Office has estimated that most of the Medicaid cuts are achieved by requiring Medicaid enrollees to pay substantially more for the health care they need, including requiring the poorest children for the first time to pay copayments for prescription drugs and emergency room care.

Congressman MILLER and Congresswoman WOOLSEY have introduced a K-12 relief package. Congressman KILDEE has introduced several higher education packages. As we move forward with this package of waivers, I hope that we will continue to find other ways to deliver much needed help to the students, schools, and families of the gulf coast region.

Mr. Speaker, let me just once again commend the gentleman from Louisiana (Mr. JINDAL) for not only this package of legislation but also the many efforts that he has put forth since Katrina to try to provide relief to the gulf coast area and especially relief to those individuals who are uprooted, dislocated, and are searching for their way. I commend the gentleman once again and urge that we pass this legislation.

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

Mr. JINDAL. Mr. Speaker, I just want to thank my colleagues across the aisle, as well, for working with us on what I think is a small, but important, step towards regulatory relief in my home State and the other impacted States along the gulf coast. Obviously, we have much more work that remains to be done.

With that, Mr. Speaker, I certainly urge passage of H.R. 3975.

Mr. BOUSTANY. Mr. Speaker, the unprecedented devastation caused by Hurricanes Rita and Katrina in Louisiana, Texas, Mississippi, and Alabama will require an equally innovative recovery effort. The Hurricane Regulatory Relief Act will facilitate this effort by cutting through bureaucratic red tape to ensure that assistance for the gulf coast region arrives quickly and efficiently.

For one year the bill:

Allows States and schools to use available funds where they are most needed and most effective by waiving many funding requirements.

Extends deadlines for special education evaluations and reporting.

Allows teachers that met the "highly qualified" standard in an affected State to be considered "highly qualified" in other States that are serving large numbers of displaced students.

In addition, the bill expands the Individuals with Disabilities Education Act, IDEA, Paperwork Reduction Pilot Program to States affected by the hurricanes.

This legislation also requires colleges to recalculate financial aid awards to take into account changes in families' financial circumstances caused by the hurricanes.

H.R. 3975 eases Federal requirements for State administration of the Child Care and Development Block Grant, CCDBG, and the Community Services Block Grant, CSBG.

In addition, H.R. 3975 provides financial flexibility to allow displaced workers seeking emergency loans and hardship distributions from their personal retirement plans, such as 401(k)s, to access them more quickly and easily.

Finally, the bill authorizes the purchase and distribution of equipment for projects administered by the Occupational Safety and Health Administration, OSHA, in response to Hurricanes Katrina and Rita, and it waives the matching grant requirements for State OSHA programs in order for those States to offer assistance to hurricane-impacted areas.

These measures will ensure the gulf region has the necessary flexibility to rebuild what has always been a vital and distinctive economy, and I urge passage of the Hurricane Regulatory Relief Act.

Mr. OWENS. Mr. Speaker, I cannot in good conscience support the Occupational Safety and Health provisions in H.R. 3975, the Hurricane Regulatory Relief Act of 2005. More than 2 months after Hurricane Katrina hit the gulf region, thousands of recovery and reconstruction workers remain in serious harm's way there because the Occupational Safety and Health Administration, OSHA, is not enforcing established Federal safety and health standards. The bill before us does not address the serious health and safety problems of these workers. The bill also does not address the "right of return" concerns of the Congressional Black Caucus. Residents need work under safe conditions. Employment of residents should not be undermined by an expanded volunteer project.

To date, OSHA has not conducted a comprehensive assessment of the hazards now facing clean-up and recovery workers in Louisiana, Mississippi and other areas decimated by Katrina, let alone hit by Rita. Likewise, OSHA has failed to specify what types of personal protective equipment, PPE, are required

for different clean-up, recovery and reconstruction tasks being carried out by workers in Katrina- and Rita-affected areas. Also, OSHA has failed to layout the minimum safety training required for various gulf coast clean-up, recovery and reconstruction workers, in accordance with nationally agreed upon standards.

Given OSHA's failure to act in response to Katrina and Rita, the last thing needed at this juncture is specific authority to recruit, train, use and pay for an unlimited number of volunteers to carry out non-enforcement projects vaguely characterized as "related to worker safety and health." Likewise, OSHA does not need new authority to distribute respirators and other safety equipment, having done so with countless supplies donated by manufacturers for cleanup at ground zero.

The parallels are strikingly clear between the failure to protect recovery and clean-up workers in the aftermath of the 9/11 terrorist attacks that destroyed the World Trade Center and the failure to protect workers now in the wake of Hurricanes Katrina and Rita. Rather than enforcing workplace safety and health laws, OSHA decided to serve as an "adviser" to employers in both cases.

Already, there are reports in the press of a "Katrina cough" caused by exposure to toxic mold and contaminated dust left by the receding flood waters. These waters contained high levels of gasoline, sewage, bacteria, lead, mercury, pesticides, and other serious toxins. It only took several months after 9/11 before there were similar reports by physicians of a "World Trade Center cough" afflicting first responders and recovery workers. These workers were exposed to dust contaminated by asbestos, glass fibers, concrete dust, lead, and other hazardous substances. And now, growing numbers of 9/11 rescue and recovery workers have had to retire on permanent disability because of chronic respiratory illness. Others have died, their lungs scarred beyond repair, because they were unprotected from Ground Zero toxins. They died because in overseeing work at Ground Zero, OSHA decided not to enforce health and safety standards.

Mr. Speaker, how many workers have to die or face permanent disability before OSHA starts enforcing workplace safety and health laws, be it in the aftermath of terrorist attacks or natural disasters like hurricanes? I ask unanimous consent that an October 6 letter sent to every Member of Congress from more than 100 labor, religious, environmental, public health and public-interest organizations and individual experts be printed in the RECORD in its entirety, immediately following this statement.

Simply put, that letter urges Congress not to repeat in the gulf coast the health and safety errors made subsequent to 9/11.

I commend the New York Committee on Safety and Health, NYCOSH, the many national and local unions, and all other coalition members for urging immediate steps be taken by OSHA and other federal agencies to protect gulf coast recovery workers. I urge my colleagues to accept and act without delay on these life-saving recommendations.

I also urge all of my congressional colleagues to review H.R. 4197, sponsored by the Congressional Black Caucus. The overwhelming concern of this bill is the establishment of the necessary conditions to facilitate a

healthy rebirth of the communities of New Orleans and the rest of the gulf coast.

NATIONAL COUNCIL FOR
OCCUPATIONAL SAFETY AND HEALTH,
New York, NY, October 6, 2005.

DEAR SENATOR/MEMBER OF THE HOUSE OF REPRESENTATIVES: Thousands of disaster responders, workers, and volunteers in the Gulf Coast areas affected by Hurricane Katrina remain inadequately protected against exposure to environmental health hazards.

As individuals and organizations in the fields of community, public health and occupational and environmental health and safety, disaster response, recovery and cleanup, we are greatly concerned. Many of us have been directly involved in 9/11 rescue, response, and recovery efforts. In the wake of the terrible tragedy of Hurricane Katrina we urge that the lessons learned in 9/11 response efforts not be ignored in Katrina response operations.

As we came to recognize in the aftermath of 9/11, there is a difference between rescue and recovery. Now, however, a month after the storm, we are now well into the recovery stage on the Gulf Coast, and therefore EPA and OSHA should immediately commence enforcement of life-saving workplace and environmental laws and regulations.

Failure to do so puts countless workers and residents at risk of contracting preventable environmental and occupational diseases. This was our experience in the aftermath of 9/11, when thousands of workers and residents were unnecessarily exposed to toxic substances after being assured by EPA that the air was safe to breathe. At the same time, workers were left unprotected by OSHA, which declined to enforce its respiratory protection standard and other regulations. The illnesses of thousands of New York workers and residents today are in part the result of the failure of government agencies to enforce environmental and occupational health regulations after 9/11.

Therefore, we are unalterably opposed to the legislative proposal of Senator James Inhofe (R-OK) to allow the Environmental Protection Agency to temporarily suspend or relax its rules.

Although it is not yet possible to characterize with certainty the toxic nature of the flood waters that cover Louisiana and Mississippi, what is known is of great concern. The flood waters have been contaminated by 6.7 million gallons of petroleum as a result of major spills from refineries and with another 1-2 million gallons of gasoline from gas stations and 300,000 flooded cars. There have been hundreds of smaller oil spills (396 as of Wednesday 9/14). The flood waters contain elevated levels of sewage, bacteria, lead, mercury, hexavalent chromium, arsenic, and pesticides. Some contaminants, such as benzene, are presumed to be present in such large quantities that the EPA has not considered it necessary to conduct sampling. The flood waters impacted 31 hazardous waste sites and 446 industrial facilities that reported handling highly dangerous chemicals before the storm. Thousands of damaged buildings are likely to be contaminated with mold and asbestos. Additionally, to our knowledge, no tests have been conducted for dioxin, which is known to be present at levels of concern in southwest Louisiana.

As the flood waters recede, contaminants that remain have the potential to become airborne when disturbed by natural causes (wind and other storms) or by cleanup activities, creating an even greater occupational and public health hazard.

The Centers for Disease Control and Prevention and the Environmental Protection Agency Joint Taskforce published on Sep-

tember 17, 2005 an initial Environmental Health Needs and Habitability Assessment. The report provides an outline of the threats to the health of the public and of the workers who will be involved in cleaning up the areas impacted by Katrina. These threats are serious and are unprecedented in scope.

The joint report provides a valuable overview. However, it offers no details concerning what needs to be done to protect workers and residents. That is why we believe that Congress should act on the following recommendations. We must not repeat the errors of 9/11 today in New Orleans. Response and recovery operations must proceed expeditiously, but the health and safety of those engaged in such efforts must be protected.

We urge immediate action on the following steps:

1. Presume Contamination Until Proven Otherwise: Given the wide range and toxic nature of contaminants to which workers, volunteers, and residents may be exposed, it is imperative that work areas be presumed to be contaminated and that appropriate precautionary measures be implemented until the work environment is demonstrated to be safe.

2. Implement the National Response Plan's Worker and Community Environmental Testing and Monitoring Provisions: The worker and community environmental testing and monitoring provisions of the National Response Plan must be followed closely. It provides for hazard identification, environmental sampling, personal exposure monitoring, collecting and managing exposure data, development of site-specific safety plans, immunization and prophylaxis, and medical surveillance, medical monitoring and psychological support.

3. Enforce all OSHA and EPA Regulations: Environmental and occupational health standards must be strictly enforced. We are distressed that OSHA has defined its role in Katrina response, as in 9/11, as advisory rather than enforcement.

4. Assess the Hazards: EPA should conduct comprehensive environmental sampling to characterize the nature and extent of environmental hazards and NIOSH and OSHA must conduct a comprehensive assessment of the hazards posed to recovery workers. Hazard assessment should include evaluation of environmental hazards presented by chemical plants and refineries, hazardous waste sites, in-place building materials, biological agents, and other potential sources affected by the storm. Environmental monitoring should be ongoing. Sampling results should be accessible to the public in a timely manner. Toxic materials should be catalogued, evaluated and tested, and any known or potential releases contained. Failure to act will threaten returning residents and workers and will increase long-term cleanup costs as toxic substances spread to larger areas.

5. Train and Protect Clean Up Workers: All cleanup workers (public and private sector, paid and unpaid) should receive the appropriate OSHA-required training and equipment for protection against the hazards to which they may be exposed. OSHA should specify the minimum training that must be provided to workers engaged in clean-up and recovery. Training may include that which is required under OSHA's Hazard Communication, Respiratory Protection, Personal Protective Equipment, and Hazardous Waste Operations and Emergency Response standards. Protective equipment may include respirators and protective clothing and equipment.

6. Provide Appropriate Decontamination for Workers: To protect worker and public health, emphasis must be placed on regular decontamination of workers and volunteers

and of their protective gear, tools, equipment, and vehicles. Workers and volunteers must be trained in the importance of meticulous personal hygiene in the presence of toxics and must be provided with appropriate decontamination and sanitary facilities.

7. Provide Medical Surveillance: Provision must be made for early detection and treatment of occupational, environmental, and psychological illnesses. To ignore the medical needs of potentially exposed workers and residents is asking them to be guinea pigs in a long-term experiment the consequences of which remain unknown. All public and private sector rescue, response, and cleanup workers, including volunteers, should be entered into a centralized database to facilitate medical surveillance.

8. Protect Vulnerable Workers: Special consideration must be given to protection of immigrant and temporary workers, who reportedly are being recruited in large numbers. In 9/11 response efforts, immigrant and temporary workers were the workers least likely to be provided with proper training and respiratory protection, and were the workers least likely to have medical insurance. As a result, they incurred high rates of illness without having access to medical treatment.

9. Adopt Uniform Re-occupancy Standards: EPA must work with local governments to ensure that a protective health and safety standard for re-occupancy applies uniformly to all communities and also is sensitive to the needs of vulnerable populations. EPA has indicated that it will permit local authorities to determine re-occupancy criteria, but it is critical to ensure that all re-occupancy occurs according to standards that are adequately protective of public health.

A cleanup of this magnitude and complexity has never been undertaken. While we support proceeding with the cleanup and recovery with dispatch, protection of the health of clean-up workers and of the public at large must be given the highest priority.

Endorsing organizations signatures available at www.nycosh.org.

Mr. GEORGE MILLER of California. Mr. Speaker, the managers of the bill jointly submit this statement to explain and clarify the intent of certain provisions contained within the legislation.

With respect to amendments made to the Occupational Safety and Health, OSH, Act in section 311 of the legislation, the managers recognize the historic and unique nature of this disaster inflicted by Hurricanes Katrina and Rita, and is taking the extraordinary step of authorizing the Occupational Safety and Health Administration, OSHA, to use volunteers in light of the historic scope of that devastation.

Section 311 of the bill is intended to allow OSHA to utilize qualified safety professionals as volunteers to assist in a variety of projects targeting health and safety identified by OSHA. It is the managers' expectation and intent that these volunteers would be qualified by virtue of experience, and would need little additional training based on their professional work experience or other recognized safety training prior to being deployed in needed areas.

With respect to section 312's providing authority to the Secretary to purchase and distribute equipment and supplies to public or private entities engaged in projects related to worker safety, it is the intent of the managers that these funds be used to assist in relief and recovery efforts, and not be used to pay private entities to comply with preexisting requirements or obligations under the OSH Act.

Finally, with respect to title III, subtitle A, the Pension Flexibility for Displaced Workers Act of 2005, it is the managers' expectation and intention that the Secretary will exercise the authority provided under that section judiciously and upon careful consideration of the appropriateness of any waiver, suspension, or exemption authorized thereunder.

Mr. BOEHNER. Mr. Speaker, I rise in support of this bill to offer relief to the families, workers, and schools in the gulf coast region working to rebuild after the devastation caused by Hurricanes Katrina and Rita.

I'd like to thank the author of this bill, my friend from Louisiana, Representative JINDAL, for his tireless efforts on behalf of his constituents who have been through so much.

This bill, the Hurricane Regulatory Relief Act, is about cutting through the red tape and easing the burdens on those who are working to rebuild. It provides commonsense flexibility for teachers and schools; it encourages community-based services and eases access to child care; and it provides assistance for displaced workers.

For 1 year, the bill will ease the burdens on teachers and schools to ensure they can focus on education instead of focusing on compliance with burdensome rules. This includes easing funding requirements so States and schools have greater flexibility to use resources to meet the needs of their students.

It will also expand opportunities for qualified teachers to serve displaced students, and will expand a pilot project to affected States to reduce the paperwork burden on special education teachers. Furthermore, the bill encourages States to ease restrictions on charter schools so that they may play an active role in the relief effort.

The Hurricane Regulatory Relief Act includes steps to make it easier for college students to transfer from one institution to another so they can continue to make progress toward a degree, and it improves the outreach process to help disadvantaged students learn about the financial aid opportunities that may be available.

To help displaced families get back on their feet, the bill expands access to child care services by easing Federal requirements for the Child Care and Development Block Grant and providing guidance, technical assistance, flexibility, and resources to ensure displaced children have access to the Head Start early childhood program.

The bill also provides greater flexibility within the Community Services Block Grant program, which provides an array of services and assistance through Community Action Agencies.

Our efforts to cut red tape don't stop there. The bill will provide financial flexibility for displaced workers, reducing bureaucratic burdens to ensure displaced workers seeking emergency funds from their personal retirement plans may access them more quickly and easily.

Finally, the bill also works to enhance safety and reduce bureaucracy in relief projects.

Mr. Speaker, this bill offers commonsense solutions to speed the relief effort by cutting through red tape and easing the regulatory burden.

Once again, I'd like to thank the sponsor of this bill, Representative JINDAL, and Members on both sides of the aisle for working to aid those impacted by Hurricanes Katrina and Rita.

I urge my colleagues to support this effort.

Mr. BOEHNER. Mr. Speaker, the Managers of the bill jointly submit this statement to explain and clarify the intent of certain provisions contained within the legislation.

With respect to amendments made to the Occupational Safety and Health (OSH) Act in Section 311 of the legislation, the Managers recognize the historic and unique nature of this disaster inflicted by Hurricanes Katrina and Rita, and is taking the extraordinary step of authorizing the Occupational Safety and Health Administration (OSHA) to use volunteers in light of the historic scope of that devastation.

Section 311 of the bill is intended to allow OSHA to utilize qualified safety professionals as volunteers to assist in a variety of projects targeting health and safety identified by OSHA. It is the Managers' expectation and intent that these volunteers would be qualified by virtue of experience, and would need little additional training based on their professional work experience or other recognized safety training prior to being deployed in needed areas.

With respect to Section 312's providing authority to the Secretary to purchase and distribute equipment and supplies to public or private entities engaged in projects related to worker safety, it is the intent of the Managers that these funds be used to assist in relief and recovery efforts, and not be used to pay private entities to comply with preexisting requirements or obligations under the OSH Act.

Finally, with respect to Title III, Subtitle A, the "Pension Flexibility for Displaced Workers Act of 2005," it is the Managers' expectation and intention that the Secretary will exercise the authority provided under that section judiciously and upon careful consideration of the appropriateness of any waiver, suspension, or exemption authorized thereunder.

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

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Louisiana (Mr. JINDAL) that the House suspend the rules and pass the bill, H.R. 3975, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the following bills and resolution to be considered today: H.R. 3647, H.R. 1036, H.R. 866, H.R. 1442, and House Resolution 547.

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

There was no objection.