

members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by a Commission.

**SEC. 833. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.**

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this Act.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

**SEC. 834. STAFF OF COMMISSION.**

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

**SEC. 835. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 836. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate Federal agencies or departments shall cooperate with a Commission

in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this title without the appropriate security clearances.

**SEC. 837. REPORTING REQUIREMENTS AND TERMINATION.**

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this title with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**APPOINTMENT OF CONFEREES**

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 1281, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHLERT, CALVERT, HALL, SMITH of Texas, GORDON, UDALL of COLORADO, and HONDA.

Provided, that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. HONDA for consideration of sections 111 and 615 of the House amendment, and modifications committed to conference.

From the Committee on Government Reform, for consideration of sections 153 and 606 of the Senate bill, and section 703 of the House amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, TURNER, and WAXMAN.

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DELAY.

**BETTY DICK RESIDENCE PROTECTION ACT**

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

**PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005**

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

**NATIONAL FLOOD INSURANCE PROGRAM FURTHER ENHANCED BORROWING AUTHORITY ACT OF 2005**

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that it be in order to consider a motion to take from the Speaker's table the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, with Senate amendments thereto, and concur therein, and that the motion be debatable for not to exceed 20 minutes, equally divided between myself and the gentleman from Massachusetts (Mr. FRANK).

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 2, line 12, strike "8,500,000,000" and insert "18,500,000,000".

On page 2, after line 12, insert:

**SEC. 3. EMERGENCY SPENDING.**

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY.)

□ 1815

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

Mr. Speaker, I rise today in support of H.R. 4133, a bill that would temporarily increase the borrowing authority of the Federal Emergency Management Agency National Flood Insurance Program.

This bill was introduced by our friend and colleague from Pennsylvania (Mr. FITZPATRICK) in response to the terrible destruction that has resulted from Hurricane Katrina. The original version of this bill increased the borrowing authority of the National Flood Insurance Program from \$3.5 billion to \$8.5 billion. However, the extra \$5 billion would have only allowed FEMA to make claims and payments through next week.

The Senate amended the bill to increase the borrowing authority to \$18.5 billion and designate the funds as emergency spending. That amended version is now before us for consideration.

FEMA has run out of money to pay claims arising from Hurricanes Katrina and Rita and has directed the insurance companies to stop paying the estimated 225,000 Katrina and Rita policyholders who have already filed a claim. These homeowners who have a contract with the NFIP to cover flood events could initiate legal action against FEMA and the U.S. Government if we do not act now.

I remain committed to seeing the National Flood Insurance Program implement the reforms begun last year when we passed the Bunning-Bereuter-Blumenauer Act, and I look forward to working during the coming months to ensure greater accountability of the flood insurance program.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, along with the chairman, I have a sense of *deja vu*. A couple of years ago we agreed, the chairman and I and members of our committee, to support the efforts of our former colleague from Nebraska, Mr. Bereuter, our current colleague from Oregon (Mr. BLUMENAUER), to reform the flood insurance program. We made substantial progress. We did not get everything we wanted; there was some resistance.

Then came Katrina, and suddenly the point we were making about the need both to compensate people but also to be environmentally and fiscally responsible in what we promised became somewhat relevant. Our committee had a good mark-up earlier this week and passed out a bill, not a perfect bill from any one standpoint, but which would continue the process of reforms along with the money. And then the Senate, as it did last time, showed a certain reluctance to go along with the reforms.

They sent us a bill which is simply the additional money.

The additional money is needed and the additional money is to compensate people who have already been flooded, so there is no necessary connection between that and going forward. I, therefore, did not object to the request, and I hope we will vote the money that has been asked to compensate the people already hurt.

But it is also important that we reform the program. I appreciate the commitment which the gentleman from Ohio has freely given the House, that we are both going to work hard to try to bring the reform package up early next year.

So we will acknowledge the importance of getting the money in the hands of the people who need it, and I will be yielding to some of my colleagues from the area; but we do want to note that we will go forward with the money now, but we have not lost our interest in further reforming the program; and we will be back on the floor I hope, and I know the gentleman from Ohio will be working diligently on that in the future.

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

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

Mr. Speaker, I just want to thank my good friend and ranking member, the gentleman from Massachusetts (Mr. FRANK), for his support on this. This is critically important for the folks down in the gulf region that they get compensated under their insurance program that they paid premiums into FEMA for. This is an obligation by the Federal Government to make sure that those people are paid. FEMA is out of money as I speak. We need to get this done. I would ask the House's cooperation in this effort.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I do not want to impose on the House's time except we are killing time anyway while you try to figure out what you are going to do with that foolish resolution of yours.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), who has been at the center of the effort to deal with this tragedy. I will say as the ranking member on our side on the committee, he has been constantly in touch with us and has advised us and impressed us on the importance of action, and I am very grateful for his willingness to work with us in the midst of all the stress that has accrued to his district.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for the work that he has done on the bill and for the entire committee and all who have had a hand in it.

Like the gentleman from Massachusetts (Mr. FRANK), I would like to have seen this bill involve the reforms we have talked about to make it easier

for people to make claims once they have them. We have had the unprecedented flooding in our area, which is the reason why this bill is needed. FEMA is out of money for the very clear reason that we have had flooding that nobody could have possibly anticipated. We have claims far beyond what anyone had imagined. There have been 220,000 homes, just homes in our area, that have been affected by flooding; 108,000 of these have been rental units, and the rest are single residences. It is unheard of.

Sixty thousand of these will probably have to be gotten rid of because they cannot be cleaned up and put back into commerce. We have had the insurance companies take the position that every instance of damage was caused by flooding as opposed to the wind-driven rain that would cover them under their homeowners insurance, consequently creating more pressure to pay on the flood insurance than ever before.

For these two reasons, I would urge that we adopt this provision because it is much needed by the people back home both because we have had an unprecedented level of loss in flooding and because insurance companies have pushed all the emphasis down on the flood insurance program and made it very difficult for people to recover otherwise.

I urge the House to adopt this because we need it so much in our area.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for his leadership on issues regarding the National Flood Insurance Program.

Mr. Speaker, on Wednesday of this week, the House passed by voice vote H.R. 4133, the National Flood Insurance Program Further Enhanced Borrowing Act of 2005. This important piece of legislation will empower residents of the gulf coast by increasing the National Flood Insurance Program's ability to borrow \$5 billion in additional funds from the United States Treasury to cover claims resulting from the recent devastating hurricanes of Katrina and Rita.

Today, the Senate amended and passed H.R. 4133, raising the amount the NFIP can borrow from the Treasury from \$8.5 billion to \$18.5 billion, an increase that will remain in place until our return after the December recess.

Mr. Speaker, this legislation is a necessary stop-gap measure to ensure the solvency of the National Flood Insurance Program. For this hurricane season alone, FEMA estimates that more than 225,000 Katrina and Rita claims will be filed with a total cost exceeding \$22 billion. This total for one hurricane season, Mr. Speaker, will surpass the total amount paid by the National Flood Insurance Program since its inception in 1965.

Mr. Speaker, I represent a section of Philadelphia, Bucks County, Pennsylvania, that has sustained two floods

during the last year. In each of those occasions, FEMA and the National Flood Insurance Program administrators have been there, paid the claims that they are obligated to pay. The residents of the gulf coast area and region deserve no less.

FEMA is quickly running out of money. The flood insurance program must be able to handle the claims resulting from the catastrophic losses. Historically, whenever the National Flood Insurance Program has borrowed from the Treasury, it has been paid back in full. We need to act to enable this stop-gap measure to cover claims from the gulf coast. We should not think of this as a new obligation. Instead, it is a necessary step to keep a legal promise that Congress has made to homeowners and business owners when Congress passed the National Flood Insurance Act.

We have a moral obligation to honor our commitments, Mr. Speaker, and to provide the coverage we promised to provide, to help victims. They need help to rebuild their homes and their lives. I ask my colleagues for their support and seek adoption of the Senate language in this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I rise troubled, I must say, by this legislation. I appreciate the chairman's commitment to reform and also the ranking member. They have been steering, I think, a good course with Financial Services, and I am encouraged by their words that we are going to go ahead and attempt to continue the process of reforming the flood insurance program.

But today in signing off on \$22 billion that cannot be supported simply by the premiums by the individuals that are covered right now, I personally think is a tremendous lost opportunity.

We heard a lot of rhetoric the last couple of days. People come to the floor talking about how to save taxpayer dollars, but we have not undertaken to make reforms that would protect taxpayers in the first place.

Our colleague from Mississippi has been focusing on the problem with flood insurance not being available to a whole range of people. No expectation they should have it. People behind levees are not required to have flood insurance. We have not dealt with subsidized insurance for areas that are vacation homes, second homes.

I am concerned that there is never really a good time to be able for us to seize this opportunity. While I say I am heartened by what I have heard from the ranking member and the gentleman from Ohio (Mr. OXLEY), and certainly they steered a difficult course last time in being able to make some of these incremental achievements, but if there was ever a time that the attention of this Congress should be on the dangers of the way that the program

works now and the people that are in harm's way, the opportunity to not just save money but save lives by these reforms.

Nonetheless, I look forward to working with the ranking member and the Chair, and I will do anything in my power, but I would hope the House does not ever again allow something like this to come forward and miss such an opportunity.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to the gentleman I agree with him this is a lost opportunity, but like the book "I Lost It At The Movies," we lost it at the Senate. So we are doing the best we can.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), who has worked harder in the aftermath of this than I have ever seen any Member work in trying to deal with the desperate situation imposed on the people he represents.

Mr. TAYLOR of Mississippi. Mr. Speaker, as I speak, one of the greatest legal scams in American history is being perpetrated on the people of Louisiana, Mississippi, and Alabama, honest Americans who purchased insurance policies to protect their families in time of a hurricane. They paid their premiums for decades. They are being told one by one "we are not going to pay your claim."

See, in a typical insurance policy known as a "wind policy," you would think it would protect you from the 140- to 160-knot breezes of Hurricane Katrina; but somehow buried in that policy is small language that says they are not going to pay for wind-driven water.

Now, for most of us, you would think of wind-driven water as maybe the water driven under the stoop of your door in a rain storm, or if you have an older house like I had, under the windows, maybe get some curtains wet or the sheet rock under that window.

So if the wind blew a tree into your house, you could file a claim. If the wind blew a car into your house, you could file a claim. But if the wind generates a 30-foot wall of water, well, then the American insurance industry en masse is telling those people in Mississippi, Louisiana, Texas, and the Alabama gulf coast, "You're out of luck. We took your money. You're a chump."

Our Nation has a flood insurance policy separate from that where the credibility of this Nation is at stake. I have already told you what I have thought the private sector is doing to my people. But this is us. We also collected people's money in good faith that when there was a flood of their homes that would be paid. We had an unprecedented natural disaster.

Now, two things can happen. We can go the way of the private sector which is doing everything they can to scam my constituents, and please use that word, or we can honor our claims. Because a person or a nation is only as good as its word. Our Nation gave our word that we would pay these claims if

substantiated. Those claims have been substantiated. Let us set a precedent that hopefully the insurance industry will follow and pay our claims.

□ 1830

I want to commend Chairman OXLEY. I want to commend Ranking Member FRANK for bringing this to the floor in a timely manner. I very much want to commend the other body for plussing this up so that we can fulfill our obligation as a Nation for those people who had flood insurance policies, that we will pay those claims in a timely manner.

At the same time I want to go on record as saying that I think there ought to be a national registry of child molesters and, at the moment, insurance industry executives because I think Americans ought to know if they live near one.

Mr. FRANK of Massachusetts. Mr. Speaker, for my remaining 30 seconds, I want to send a message to FEMA.

The gentleman from Louisiana (Mr. MELANCON) has called to our attention a delay on the part of FEMA in telling people what elevations are required for new construction or replacement construction in the flooded areas. Until they have those elevations, they cannot proceed with the construction, and the gentleman told me we have been told there is a delay of perhaps up to 2 years. That is clearly unacceptable. So had we been able to bring a substitute bill to the floor, we were going to address that issue.

I hope FEMA will listen. I think I speak for both sides. I know the gentleman from Louisiana (Mr. BAKER) agreed with this when we raised it in committee that FEMA will promptly do the elevations necessary so that construction can proceed.

Mr. OXLEY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair. Accordingly (at 6 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1957

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 7 o'clock and 57 minutes p.m.

PROVIDING FOR CONSIDERATION OF H. RES. 571, EXPRESSING SENSE OF HOUSE THAT DEPLOYMENT OF FORCES IN IRAQ BE TERMINATED IMMEDIATELY

Mr. GINGREY, from the Committee on Rules, submitted a privileged report