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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, source of all wisdom, as Senators strive to make critical decisions, guide their hearts and minds. Give them such courage of conviction that they will ignore the siren calls to deviate from right. Help them to walk along ethical paths, even when they are demonized by insiders and outsiders.

Deliver them from those who impugn their motives and misrepresent their intentions. Remind them that You are the only constituent who ultimately matters, and that pleasing You must be their first priority. May they trust You to open doors that no one can shut and to shut doors that no one can open. Help each of us to say no to every voice that invites us to leave Your way.

Lord, empower us to hasten the day when the knowledge of You will cover the Earth as the waters cover the seas.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, is the distinguished Senator from Hawaii here ready to give a speech?

Mr. AKAKA. Yes.

Mr. REID. Mr. President, I yield to him and reserve my leader time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time to be controlled by the Democratic leader or his designee and the second half of the time to be controlled by the majority leader or his designee.

The Senator from Hawaii.

TRADITIONAL ROLE OF FEMA

Mr. AKAKA. Mr. President, my thoughts are with all of those from the Gulf Coast States affected by Hurricane Katrina as they mourn the loss of family and friends and neighbors. We wish them well.

I know there are no words that can provide the needed comfort. I believe there must be an extensive examination of what went wrong with the Government's response to this natural disaster.

As hundreds of thousands of Americans look toward rebuilding their lives, our first priority must be to ensure that all possible Federal resources are at their disposal. However, it is Congress's job to get to the bottom of what went wrong and to do whatever is necessary to ensure that it never happens again. I join those who say we must not engage in a blame game but, rather, we must come together to undertake responsible oversight.

I say this from an interesting vantage point because throughout the debate over the creation of the Department of Homeland Security in 2002, I repeatedly expressed my strong concern that nonhomeland security functions of the Federal Government would be diminished if included in the new Department. I said that eliminating the Federal Emergency Management Agency's status as an independent agency to join this proposed Department could seriously affect FEMA's traditional role of responding to natural disasters.

At Under Secretary Michael Brown's confirmation hearing to be Deputy Director of FEMA in June 2002, 5 months before the Homeland Security Act passed, I spoke about the perils of converting FEMA into a homeland security centric agency. At the time, I said:

The President's proposal for a new Department of Homeland Security will include the Federal Emergency Management Agency. A key question is how will this new role for FEMA in homeland security affect its traditional mission?

. . . Many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to their homeland security missions. Most of what FEMA does every day, and what Americans

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

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expect from FEMA, does not fall under the category of homeland security.

Because of my strong belief that the nonhomeland security functions of FEMA, the Coast Guard, and other agencies that are now part of DHS would be diminished when merged into this massive agency, I successfully offered an amendment to the Governmental Affairs Committee's version of the Homeland Security Act, cosponsored by Senator CARPER, that required all nonhomeland security functions of each of the 22 legacy agencies to be identified, along with the resources needed to preserve these functions.

Unfortunately, the version of the bill passed by Congress failed to include my amendment, which is one of the reasons that I was one of eight Senators who voted against the creation of DHS.

In a further effort to ensure constancy of the nonhomeland security functions of DHS, I introduced in April 2003 legislation that would have required the Department to identify annually the resources, personnel, and capabilities devoted to nonhomeland security functions. My measure would have required DHS to include this information in its annual performance report, as well as required the Government Accountability Office to evaluate the Department's performance of essential nonhomeland security missions.

When introducing my bill, S. 910, the Nonhomeland Security Mission Performance Act of 2003, I said:

> The cost of creating a Department of Homeland Security should not come at the expense of these essential missions. Agencies should strike the proper balance between new homeland security responsibilities and their critical nonhomeland security missions. Enhancing traditional missions also enhances domestic security which depends on sound management strategies that ensure adequate resources and personnel.

S. 910 was reported favorably by the Governmental Affairs Committee but was, unfortunately, never considered by the full Senate.

I stand before my colleagues today to ask that we look at the disaster that has befallen the people of the gulf coast as a reminder that preventing terrorism is not the only business of the Department of Homeland Security. My colleagues and I must carefully reexamine whether critical nonhomeland security missions have been compromised by their decisions in DHS.

I ask unanimous consent that my statement from the Governmental Affairs Committee hearing for Michael Brown's confirmation to be Deputy Director of FEMA on June 19, 2002, and my statement on the introduction of S. 910, the Nonhomeland Security Mission Performance Act, on April 11, 2003, be printed in the RECORD.

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

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

NOMINATION HEARING FOR MICHAEL BROWN TO BE DEPUTY DIRECTOR OF FEMA, JUNE 19, 2002

I wish to welcome our nominee to the Committee. Since you and I met a month ago, it seems that the nature of the position to which you have been nominated has changed dramatically.

The President's proposal for a new Department of Homeland Security will include Federal Emergency Management Agency (FEMA). A key question is how will this new role for FEMA in Homeland Security affect its traditional mission?

There is already a Federal Response Plan that does what the President says the new Department will do, that is, ''the Homeland Security Department will integrate the Federal interagency emergency response plans into a single comprehensive, government-wide plan.'' Since 1992, a Federal Response Plan has managed the activities of 26 Federal agencies and the Red Cross during all phases of a disaster, including readiness, response, recovery, and mitigation. In 1999, FEMA published the second edition of the Federal Response Plan Terrorism Incident Annex.

When necessary, FEMA has made agreements with specific government agencies to address terrorism. In January 2001, FEMA and the Department of Justice released an Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN). FEMA is currently working with the Catastrophic Disaster Response Group (CDRG), made up of representatives of all federal agencies, to update the Federal Response Plan in light of the lessons learned from September 11th. These changes are to be integrated with the national strategy for homeland security, on which Governor Ridge has spent the past eight months working.

I hope the proposed department will build on all the different plans and agreements already in place. We do not need a brand new coordination plan. What we need is better communication and implementation of the plans we have.

The President and his staff compare this reorganization to the creation of the Department of Defense after World War II. However, there are many differences. The Departments of the Navy and the Army shared the primary mission of defending the United States. They were both military departments with similar cultures and management priorities.

In contrast, many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to their homeland security missions. Most of what FEMA does every day, and what Americans expect from FEMA, does not fall under the description of homeland security.

Homeland security is strengthened through developing assets that are built day-by-day and community-by-community. These assets include well-trained firefighters and law-enforcement officers, well-equipped medical personnel, and well-exercised emergency response drills.

An example is when FEMA partnered with local and state agencies to help residents on the Island of Hawaii in the wake of tropical storms and flooding last year. It is the dedicated men and women who form the FEMA family who continue to build on these relationships and provide federal assistance to those most in need. Just this year, FEMA assisted flood victims in West Virginia, Kentucky, and Illinois and is working with communities devastated by wildfires in Colorado and New Mexico.

Every state in the Union, including Hawaii, works with FEMA to include disaster mitigation when rebuilding after an event. Cities and counties across the country are working with FEMA to lessen the impact of future natural disasters through mitigation programs.

These efforts are all-hazard and will help communities respond to floods and terrorist attacks. However, there are those in the Administration who have criticized mitigation efforts and have questioned their cost and benefit.

FEMA's pre-disaster mitigation program was eliminated in the President's 2002 budget because it was deemed ineffective by the Office of Management and Budget. Congress disagreed and saved the $25 million program only to see the Administration's FY03 budget proposal seek to eliminate FEMA's post-disaster mitigation program, which was also judged ineffective by OMB.

I believe that Mr. Brown and Director Allbaugh appreciate the importance of disaster mitigation. Unfortunately, traditional cost-benefit analysis is not appropriate for mitigation and prevention programs, and OMB has not given FEMA guidelines on what factors will be used in the future.

I am concerned that these same problems will haunt the new Homeland Security Department. What factors will OMB use to determine the effectiveness of different homeland security programs? I hope Governor Ridge will shed some light on this when he appears before us tomorrow.

The Deputy Director will be responsible to make sure that core functions are not neglected. Over the past decade, FEMA has regained the confidence of local and state emergency managers. Individuals and families rely on FEMA when their lives are torn apart by natural disasters. I believe confidence and trust are among America's most important assets in our struggle to make our communities safer and more secure.

FEMA has these assets because of it employees. The Deputy Director also will be responsible for ensuring that these dedicated federal workers have the resources, training, and support necessary to do their jobs. Likewise, FEMA's core missions are too important to take the best and most experienced staff away from traditional disaster response and mitigation to fill new homeland security activities.

Mr. Brown, thank you again for your dedication and willingness to serve your Nation. You have a tough road ahead. If we are to use the parallel between this reorganization and the creation of the Department of Defense in 1947, we must remember that it took years, even decades, to shape a truly integrated armed forces. Unfortunately, we do not have years to reshape how our country prepares for terrorism.

We can, and should, pass legislation to create a homeland security department. However, we must remember that the issue is not a new federal department, but what is most effective in protecting Americans.

NON-HOMELAND SECURITY MISSION PERFORMANCE ACT OF 2003, APRIL 11, 2003

Mr. President, I rise today to introduce legislation to preserve important non-homeland security missions in the Department of Homeland Security. I am pleased to be joined by the Senator from Delaware, Mr. Carper, and the Senator from New Jersey, Mr. Lautenberg, in this effort to guarantee the fulfillment of non-homeland security functions Americans rely on daily.

Many of these non-homeland security functions are especially important to the state of Hawaii. The Coast Guard provides essential search and rescue, fisheries enforcement, and protection of our coastline. The Animal and Plant Health Inspection Service protects the state's fragile ecosystem from invasive species. The Federal Emergency Management Agency assists municipalities in reducing the destructive effects of natural disasters, such as floods, hurricanes, and tidal waves.

To preserve these vital functions, the ''Non-Homeland Security Mission Performance Act of 2003'' would require the Department of Homeland Security to identify and

report to Congress on the resources, personnel, and capabilities used to perform non-homeland security functions, as well as the management strategy needed to carry out these missions.

The measure would require the Department to include information on the performance of these functions in its annual performance report. Our legislation also calls for a General Accounting Office (GAO) evaluation of the performance of essential non-homeland security missions.

The establishment of the Department of Homeland Security created additional management challenges and has fueled growing concerns that the performance of core, non-homeland security functions will slip through the cracks. Just last week, the GAO testified before the House Committee on Transportation and Infrastructure that the Coast Guard has experienced a substantial decline in the amount of time spent on core missions. Moreover, GAO found that the Coast Guard lacks the resources to reverse this trend. Coast Guard Commandant Thomas H. Collins is quoted as saying that his agency has more business than it has resources and is challenged like never before to do all that America wants it to do.

These same concerns extend to the entire Department of Homeland Security. The Department of Homeland Security's Bureau of Citizenship and Immigration services provides asylum for refugees and helps immigrants become American citizens. The Customs Service protects and monitors foreign trade so essential for a healthy American economy. And the Secret Service protects and monitors against identity theft, counterfeiting, and other financial crimes. In fact, the General Accounting Office has added the transformation of and implementation of the Department to the GAO High Risk list, partially as the result of existing management challenges to fulfill non-homeland security missions.

The cost of creating a Department of Homeland Security should not come at the expense of these essential missions. Agencies should strike the proper balance between new homeland security responsibilities and their critical non-homeland security missions. Enhancing traditional missions also enhances domestic security which depends on sound management strategies that ensure adequate resources and personnel.

I urge my colleagues to support the ''Non-Homeland Security Mission Performance Act of 2003.'' Our bill takes important steps to ensure that Americans will not see a decline in non-homeland security services as a result of the creation of the Department of Homeland Security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record following this statement.

Mr. AKAKA. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Democratic leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, this has been cleared with the majority. I ask unanimous consent that Senator LANDRIEU be recognized at 11:30 a.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENT'S RESPONSE TO HURRICANE KATRINA

Mr. REID. Mr. President, there are many things we do not yet know about the Government's response to Hurricane Katrina, but two things are very clear: The Federal Government's response was unacceptable, and the victims and all Americans deserve to know why.

Following 9/11, preparedness for national emergencies was supposed to be a priority for our Government. Americans were made to believe that the Government was doing everything it could to prepare for terrorist attacks, natural disasters, and national crises. Katrina makes it clear that we failed. We must find out why, and we need to do it soon, to make sure that devastation, such as caused by this hurricane, never happens again, whether natural disaster or act of terrorists.

When we faced a similar situation after 9/11, Democrats and Republicans came together and established an independent blue ribbon commission. I am sad to see the Republicans now want a different approach. We don't know the details of their approach. I have been talked to on a couple of occasions very lightly about having either chairmen, ranking members, and a few members from some of the committees to get together. It would be a joint task force of the House and the Senate.

I have great confidence in the Senate committee structure. The chairmen and the ranking members are where they are based on the rules of the Senate, something that is called seniority. Democrats do it a little differently than the Republicans, but it is still basically a seniority system. So that is why I have confidence in the HELP Committee, with MIKE ENZI from Wyoming, a fair man, and TED KENNEDY, the ranking member, a fair man; also, Homeland Security with SUSAN COLLINS and JOE LIEBERMAN.

I could go through the whole committee structure we have in the Senate. They do good work together, as indicated by what has been going on in the Judiciary Committee with the relationship developed with Senator SPECTER and Senator LEAHY. At a very difficult time in the history of our country, with two Supreme Court vacancies, they are working their way through this. I do not think it is the time to invent something new.

Yesterday, the Republicans unveiled very briefly their proposal to investigate the events of last week. They called it a bipartisan commission. I do not have the details of this—there are no details—but what little I do know raises serious concerns about whether their proposal will provide Americans the answers they deserve.

I went through how Senate leadership is picked with the committees. That is not how it works in the House anymore. I can remember being elected to the House of Representatives and meeting a wonderful man by the name of Cliff Young, who served in the House a number of terms, a Republican Congressman from Nevada. After leaving the House, he later served more than 20 years in the Nevada State Senate, became the chief justice to the Nevada Supreme Court, and served there for more than two decades. Cliff Young told me: Harry, when you come back to Washington in the House of Representatives, there are two things I want you to do. No. 1, use the gym. You need to keep your body strong. And No. 2, do not do anything to change the seniority system because in that large body of 435, stability is needed. The one thing that gives that body stability is seniority.

That has been thrown out the window. Now the leadership in the House on the committees wants whoever appears to be the nicest to the Speaker and to the majority leader. If they do anything wrong, boy, they are booted out. We have examples of that. They would not even let CHRIS SMITH from New Jersey have a subcommittee because he did not vote the way they wanted him to on a number of issues. He is gone. That is not what we need to be looking at after the disaster that took place in the Gulf Coast.

What has been proposed is not bipartisan. It is like a baseball player saying, we have a great deal here. The game is going to move more quickly and I think it will turn out pretty well. I am going to do the pitching and I am also going to call the balls and strikes.

This is not the way we should do things. It may speed up the ball game, but one does not get the results that are fair.

We have a Republican President, a Republican House, and a Republican Senate. We should not have the pitcher calling the balls and strikes. The President has already said he is going to lead an investigation of what went wrong. On its face, that is flawed. It is flawed to try to change what we are doing in regular order. It is wrong. We have a role for committees. We have a committee structure in place to investigate.

I have had somebody ask, well, why should Secretary Chertoff have to appear at a committee in the House and then one in the Senate?

That is the way we do things around here. That is what oversight is all about. We have the ability to do things on a short-term basis under what we call regular order, have Congress itself, in its role in oversight, do what is done in the ordinary course. We have seen what happens when this administration investigates itself or any administration investigates itself. It simply does not work.

There are serious concerns about this so-called Republican approach. That is why Americans deserve answers independent of politics. That is why Democrats and Republicans preferred an independent commission for investigating 9/11. It took awhile before the President signed on to it, but when he finally did, we got great people such as Hamilton and Kean. They did a wonderful job as the chairmen of this 9/11 Commission. They came up with facts that have been supported. They spent a

year with a staff that was adequate to come up with what went wrong on 9/11.

We are ultimately going to have an independent bipartisan commission to study what went wrong with the Government's response to Katrina. There is no question about that. So we should move that along and get it done as quickly as possible. In the meantime, have the committees of jurisdiction in the House and the Senate do what they are obligated to do by virtue of their role in history.

I would hope that on this issue we can move forward on a bipartisan basis. If we use the model of the 9/11 Commission, the majority still gets the edge because with 9/11 what happened is the President picked the chair. As it turned out, the Republicans had one more vote on the commission than did the Democrats, but it worked out OK. While that may not be perfect, it is certainly more perfect than this very awkward presentation that has been made in the last 24 hours about this so-called bipartisan commission. That is Orwellian. That is not bipartisan.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

OPENNESS IS BEST POLICY

Mr. DAYTON. Mr. President, I echo some of the remarks the Democratic leader made. I am about to leave this Chamber to go to a behind-closed-doors hearing of the Committee on Homeland Security and Governmental Affairs with the acting director of operations for FEMA and the Commandant of the Coast Guard. I am told that the chairman of the committee, the distinguished Senator from Maine, and the ranking member from Connecticut tried to get this hearing in public but that the administration officials would not appear in a public session. I think the public deserves to and would benefit from hearing these people with key roles in this recovery effort.

Similarly, on Tuesday evening, a majority of us in the Senate met with 10 members of the Cabinet, 10 Secretaries—all of them had important things to say—as well as the Chairman of the Joint Chiefs of Staff and the head of the Coast Guard. That briefing should have been in a public setting. There was not a single remark made by anyone that was not unclassified and should not have been available to all of the people of this country, certainly those who are most beleaguered, who are looking for answers to the questions that the Democratic leader and others on both sides of the aisle have raised.

We had a brief time for questions. We were not able to ask those questions of the administration officials in a public setting before the American people. Yet the President is coming forth now with a second request for funding, $51.8 billion on top of the $10.5 billion the Senate and the House passed last week. These matters are moving swiftly. We are told by FEMA that the burn rate—only in the Federal Government would the spending of taxpayer money of $2 billion a day be called a burn rate, but the FEMA director has said they are spending $2 billion a day. That is why we have to have a second supplemental before this body in less than 2 weeks.

I understand the need to move quickly, but I have been in this body all week. We could have come back last week. We have not had a single public hearing on any of these matters, I am told, because the administration officials will not appear in public before these committees to answer questions before us and before the American people. I find that to be unacceptable.

The administration has a responsibility to come before us in public hearings and public sessions and present their testimony but then answer our questions. Give us a chance to ask and for them to answer the questions that are on the minds of millions of Americans these days. We have a right to public hearings before we expend another $51.8 billion of public money.

The administration has that responsibility, I believe, and I ask that the distinguished majority leader of the Senate insist in his discussions with the administration—and I am quite confident that the Democratic leader and all of our caucus would support this—that these hearings and briefings be in public settings before the American people and not behind closed doors. If we are going to work together in a bipartisan way, let us do so. Let us begin that work now in public sessions. I challenge the administration officials to come before us in those settings.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 14 minutes remaining in morning business under the control of the majority.

EMERGENCY FUNDING

Mr. GREGG. Mr. President, we will sometime later today be getting a supplemental request in the Senate to continue to fund the needs of the relief effort in Louisiana, Mississippi, and Alabama, which will be approximately $50 billion on top of the $10 billion that has already been spent. Obviously, it is essential that we get these dollars down there and put them to use aggressively in order to try to help the people who are in such dire straits, and to try to begin to bring some order and some relief to those who have suffered so much.

As we proceed in this effort, we should err on the side of making sure that we get the dollars there quickly in order to support these individuals who are in such dire straits, and to try to assist this part of the country that has been hit by this catastrophic event.

But in the process, I think it is important that we have some fiscal oversight that allows us to feel comfortable that the dollars that are being spent are going effectively, quickly, and aggressively to relief efforts which are legitimate and appropriate.

Thus, I congratulate the House of Representatives for putting in the supplemental and identifying within the supplemental $15 million which will be assigned to the Inspector General's Office to start to put in place the auditing process and the oversight process on how the money is being spent, which I believe is critical.

We have seen some issues which obviously, if they are pursued logically, make sense. But if they are pursued in a way that is not logical, they are going to cost us a lot of money and probably not get us a lot of relief.

For example, there was a report in my State paper which said that all the dealerships who sell Winnebagos in New Hampshire have been contacted and told to get ready to transfer their entire inventory over to the Federal Government because they are going to ship it all out. Maybe that is what we will end up doing, but we hope before we buy up all the Winnebagos in America and send them to the gulf coast, we would be thinking about the cost and how we are going to approach that and whether that is the best way to proceed.

There are a lot of ideas floating out there. I think it is important we have the structure in place that effectively monitors cost and how the money is being spent. So I congratulate the House.

In addition, I think the President's decision, along with the Vice President, to have the Vice President physically going there and being on the ground in that region is a very positive step in our efforts to get order in the process of delivering relief.

Anybody who knows the Vice President—and I have had the good fortune to serve with him in the House and fortunate to serve with him here while he has been Vice President—will note that he is a no-nonsense individual. He looks at an issue, decides how to get the best results for resolving the problem, and moves forward. He did that as Defense Secretary. He has done it, obviously, as Vice President. He will bring immediate coherence, intelligence, and aggressive action in solving the problem and will move forward with the complexities of this reconstruction and relief effort. I think it is an excellent decision to have the Vice President step into the middle of this effort and basically try to calm the waters, but more importantly execute efficiently what is going on in the area of the Federal relief effort. However, it does lead to the point I made earlier—

and which I want to stress once again—which is that this is not an overnight, 2- or 3-month exercise. We all realize that rebuilding this region is going to take a significant amount of time and a tremendous amount of resources and a lot of thought and an intelligent process.

We need to set up, I believe as we move forward—obviously, not within the next few days but certainly within the next month—some type of structured commission along the lines I would suggest as was done after the horrific floods of 1926 when Herbert Hoover led the effort, where you basically have a central focal point with an individual of great ability and national recognition leading the effort, and basically manage the Federal dollars as they come in from all the various Federal agencies that will be impacted, and make sure those Federal dollars are effectively, efficiently, and quickly brought to bear on the problems in concert with the State and local governments.

I believe that is going to take a separate type of entity to be created. I think we should be thinking about how to structure that entity. I would certainly be looking to people such as Senator COCHRAN, Senator LOTT, Senator SHELBY, Senator SESSIONS, and the Senators from Louisiana, Ms. LANDRIEU and Mr. VITTER, for ideas about how we should set that up. We should be starting the process.

I wanted to come to the floor and say, as we move forward on this supplemental—obviously, it is totally outside of the budget. It is an emergency, and that is the way it should be done, but it is $50 billion—it is important that we retain this language—and I guess we will try to move this supplemental through the Senate without amendment—retain this language which makes sure that the Inspector General has the resources the office needs in order to effectively monitor how these funds are managed; to make sure we are getting the best return in the most prompt way for these tax dollars which are in such dire need down there in order to pursue the reconstruction and relief effort.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2862, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2862

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF JUSTICE

[GENERAL ADMINISTRATION

[SALARIES AND EXPENSES

[For expenses necessary for the administration of the Department of Justice, $126,956,000 (reduced by $2,500,000), of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: *Provided further,* That not to exceed 28 permanent positions, 23 full-time equivalent workyears and $3,980,000 shall be expended for the Office of Legislative Affairs: *Provided further,* That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,764,000 shall be expended for the Office of Public Affairs: *Provided further,* That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

[JUSTICE INFORMATION SHARING TECHNOLOGY

[For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $135,000,000, to remain available until expended.

[NARROWBAND COMMUNICATIONS/INTEGRATED WIRELESS NETWORK

[For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $110,000,000 (reduced by $39,126,000), to remain available until September 30, 2007: *Provided,* That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further,* That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

[ADMINISTRATIVE REVIEW AND APPEALS

[For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $215,685,000.

[DETENTION TRUSTEE

[For necessary expenses of the Federal Detention Trustee, $1,222,000,000, to remain available until expended: *Provided,* That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further,* That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General, $66,801,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

[UNITED STATES PAROLE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the United States Parole Commission as authorized, $11,200,000.

[LEGAL ACTIVITIES

[SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

[For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $665,821,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

[SALARIES AND EXPENSES, ANTITRUST DIVISION

[For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal

year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

[SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

[For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,626,146,000: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $20,000,000 shall remain available until expended: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,465 positions and 10,451 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

[UNITED STATES TRUSTEE SYSTEM FUND

[For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further,* That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

[SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

[For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

[UNITED STATES MARSHALS SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Marshals Service, $800,255,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $20,000,000 for information technology systems, equipment, and the renovation of United States Marshals Service prisoner holding space in United States courthouses and Federal buildings shall remain available until expended: *Provided,* That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,729 positions and 4,551 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

[FEES AND EXPENSES OF WITNESSES

[For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, such sums as are necessary, to remain available until expended: *Provided,* That not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further,* That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided further,* That not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

[SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

[For necessary expenses of the Community Relations Service, $9,659,000: *Provided,* That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[ASSETS FORFEITURE FUND

[For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

[INTERAGENCY LAW ENFORCEMENT

[INTERAGENCY CRIME AND DRUG ENFORCEMENT

[For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $506,940,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

[FEDERAL BUREAU OF INVESTIGATION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,741,132,000; of which not to exceed $150,000,000 shall remain available until expended; of which $2,288,897,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $25,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: *Provided,* That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further,* That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 31,668 positions and 30,525 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

[CONSTRUCTION

[For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $20,105,000, to remain available until expended: *Provided,* That $10,000,000 shall be available for equipment and associated costs for a permanent central records complex in Frederick County, Virginia.

[DRUG ENFORCEMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,706,173,000 (increased by $10,000,000); of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: *Provided,* That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,371 positions and 8,270 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

[BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

[SALARIES AND EXPENSES

[For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,613,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other

agencies or Departments in fiscal year 2006: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

[FEDERAL PRISON SYSTEM

[SALARIES AND EXPENSES

[For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,895,649,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2007: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

[BUILDINGS AND FACILITIES

[For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $70,112,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

[FEDERAL PRISON INDUSTRIES, INCORPORATED

[The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

[LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

[Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

[OFFICE ON VIOLENCE AGAINST WOMEN

[VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $387,497,000 (increased by $2,000,000), including amounts for administrative costs, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: *Provided further*, That of the amount provided—

[(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

[(2) $1,925,000 (increased by $2,000,000) for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

[(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

[(4) $187,308,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

[(A) $5,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

[(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

[(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

[(5) $63,491,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

[(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

[(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

[(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

[(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

[(10) $39,740,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

[(11) $4,600,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

[(12) $14,078,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

[(13) $7,250,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

[OFFICE OF JUSTICE PROGRAMS

[JUSTICE ASSISTANCE

[For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $227,466,000, to remain available until expended.

[STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,001,296,000 (reduced by $4,000,000) (increased by $50,000,000) (increased by $21,947,600) (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

[(1) $348,466,000 (reduced by $4,000,000) (increased by $21,947,600) for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

[(A) $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

[(B) $85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

[(2) $355,000,000 (increased by $50,000,000) for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

[(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

[(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

[(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

[(6) $871,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

[(7) $40,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

[(8) $10,000,000 for a prescription drug monitoring program;

[(9) $40,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

[(10) $25,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

[(11) $10,359,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

[(12) $10,000,000 for a capital litigation improvement grant program; and

[(13) $11,600,000 for a cannabis eradication program to be administered by the Drug Enforcement Administration:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

[WEED AND SEED PROGRAM FUND

[For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $50,000,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

[COMMUNITY ORIENTED POLICING SERVICES

[For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $520,057,000 (increased by $2,500,000) (increased by $10,000,000) (increased by $34,000,000), to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act'') shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further*, That up to $29,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior year deobligations in excess of $29,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

[(1) $30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed $3,000,000 shall be for the National Institute of Justice to test and evaluate vests;

[(2) $60,000,000 (increased by $34,000,000) is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots'';

[(3) $120,000,000 is for a law enforcement technologies and interoperable communications program;

[(4) $25,000,000 (increased by $2,500,000) is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

[(5) $10,000,000 is for an offender re-entry program;

[(6) $177,057,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities;

[(7) $38,000,000 is for law enforcement assistance to Indian tribes; and

[(8) $60,000,000 for a national program to reduce gang violence.

[JUVENILE JUSTICE PROGRAMS

[For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the Act''), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $333,712,000, to remain available until expended, as follows—

[(1) $712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

[(2) $83,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

[(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

[(4) $5,000,000 for juvenile mentoring programs;

[(5) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

[(A) $10,000,000 shall be for the Tribal Youth Program;

[(B) $25,000,000 shall be for a gang resistance education and training program; and

[(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

[(6) $5,000,000 for Project Childsafe;

[(7) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

[(8) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

[(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act.

[PUBLIC SAFETY OFFICERS BENEFITS

[To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

[GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

[SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of

not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

[SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

[SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

[SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

[SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

[SEC. 106. The Attorney General is authorized to extend through September 30, 2007, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

[SEC. 107. None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

[SEC. 108. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

[SEC. 109. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

[SEC. 110. Any funds provided in this Act under ''Department of Justice'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 111. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

[SEC. 112. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

[(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

[This title may be cited as the ''Department of Justice Appropriations Act, 2006''.

[TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

[TRADE AND INFRASTRUCTURE DEVELOPMENT

[RELATED AGENCIES

[OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,779,000, of which $1,000,000 shall remain available until expended: *Provided,* That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further,* That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

[INTERNATIONAL TRADE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

[DEPARTMENT OF COMMERCE

[INTERNATIONAL TRADE ADMINISTRATION

[OPERATIONS AND ADMINISTRATION

[For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $406,925,000, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,434,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $62,134,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $231,722,000 shall be for the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

[BUREAU OF INDUSTRY AND SECURITY

[OPERATIONS AND ADMINISTRATION

[For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $77,000,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

[ECONOMIC DEVELOPMENT ADMINISTRATION

[ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $200,985,000, to remain available until expended.

[SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $26,584,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

[MINORITY BUSINESS DEVELOPMENT AGENCY

[MINORITY BUSINESS DEVELOPMENT

[For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,024,000.

[ECONOMIC AND INFORMATION INFRASTRUCTURE

[ECONOMIC AND STATISTICAL ANALYSIS

[SALARIES AND EXPENSES

[For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $80,304,000, to remain available until September 30, 2007.

[BUREAU OF THE CENSUS

[SALARIES AND EXPENSES

[For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $208,029,000 (reduced by $10,000,000).

[PERIODIC CENSUSES AND PROGRAMS

[For necessary expenses related to the 2010 decennial census, $463,596,000 (reduced by $10,000,000), to remain available until September 30, 2007: *Provided*, That of the total amount available related to the 2010 decennial census, $213,849,000 (reduced by $10,000,000) is for the Re-engineered Design Process for the Short-Form Only Census, $169,948,000 is for the American Community Survey, and $79,799,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

[In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $160,612,000, to remain available until September 30, 2007, of which $72,928,000 is for economic statistics programs and $87,684,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include ''some other race'' as a category.

[NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,716,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

[PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

[For the administration of the program as authorized by section 392 of the Communications Act of 1934, $2,000,000, to remain available until expended as authorized by section 391 of the Act.

[UNITED STATES PATENT AND TRADEMARK OFFICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,703,300,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: *Provided further*, That not less than 657 full-time equivalents, 690 positions and $85,017,000 shall be for the examination of trademark applications; and not less than 6,050 full-time equivalents, 6,304 positions and $926,356,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 265 full-time equivalents, 272 positions and $37,490,000 shall be for the Office of the General Counsel: *Provided further*, That not more than 82 full-time equivalents, 83 positions and $25,393,000 shall be for the Office of the Administrator for External Affairs: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: *Provided further*, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2006, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

[SCIENCE AND TECHNOLOGY

[TECHNOLOGY ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,460,000.

[NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

[SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

[For necessary expenses of the National Institute of Standards and Technology, $397,744,000, to remain available until expended, of which not to exceed $760,000 may be transferred to the ''Working Capital Fund''.

[MANUFACTURING EXTENSION PARTNERSHIPS

[For necessary expenses of Manufacturing Extension Partnerships of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

[CONSTRUCTION OF RESEARCH FACILITIES

[For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, $45,000,000, to remain available until expended.

[NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[OPERATIONS, RESEARCH, AND FACILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,444,000,000 (reduced by $50,000,000), to remain available until September 30, 2007: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $77,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That of the $2,543,000,000 (reduced by $50,000,000) provided for in direct obligations under this heading $2,444,000,000 (reduced by $50,000,000) is appropriated from the General Fund, $80,000,000 is provided by transfer, and $19,000,000 is derived from deobligations from prior years: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $189,010,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,700,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act.

[In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

[PROCUREMENT, ACQUISITION AND CONSTRUCTION

[For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $936,000,000 to remain available until September 30, 2008: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

[PACIFIC COASTAL SALMON RECOVERY

[For necessary expenses associated with the restoration of Pacific salmon populations, $50,000,000: *Provided*, That this amount shall be available to fund grants to the States of Washington, Oregon, Idaho, California, and Alaska, and to the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least thirty-three percent of the Federal funds: *Provided further*, That, in order to fulfill the matching requirement in the previous proviso, non-Federal contributions of funds pursuant to the previous proviso must be used in direct support of this program.

[COASTAL ZONE MANAGEMENT FUND

[Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

[FISHERIES FINANCE PROGRAM ACCOUNT

[For the costs of direct loans, $60,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $18,900,000 for fishing capacity reduction loans: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

[OTHER

[DEPARTMENTAL MANAGEMENT

[SALARIES AND EXPENSES

[For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $47,466,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

[GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

[SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

[SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

[SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

[SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 205. Any funds provided in this Act under ''Department of Commerce'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2006''.

[TITLE III—SCIENCE

[OFFICE OF SCIENCE AND TECHNOLOGY POLICY

[For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

[NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[SCIENCE, AERONAUTICS AND EXPLORATION

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,725,750,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Exploration Capabilities'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[EXPLORATION CAPABILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,712,900,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and

awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, Aeronautics and Exploration'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided,* That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000.

[ADMINISTRATIVE PROVISIONS

[Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

[Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

[From amounts made available in this Act for these activities, subject to the operating plan procedures of the House and Senate Committees on Appropriations, the Administrator may transfer amounts between the ''Science, Aeronautics, and Exploration'' account and the ''Exploration Capabilities'' account during fiscal year 2006.

[Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

[Funding made available under the headings ''Exploration Capabilities'' and ''Science, Aeronautics, and Exploration'' in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

[NATIONAL SCIENCE FOUNDATION

[RESEARCH AND RELATED ACTIVITIES

[For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $4,377,520,000 to remain available until September 30, 2007, of which not to exceed $425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided,* That from amounts specified for Polar research and operations support, the National Science Foundation may reimburse the Coast Guard for such sums as determined by the Director of the National Science Foundation to be necessary to support the Foundation's mission requirements: *Provided further,* That any reimbursement pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That funds under this heading may be available for innovation inducement prizes.

[MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

[For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

[EDUCATION AND HUMAN RESOURCES

[For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $807,000,000, to remain available until September 30, 2007.

[SALARIES AND EXPENSES

[For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $250,000,000: *Provided,* That contracts may be entered into under ''Salaries and Expenses'' in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

[OFFICE OF THE NATIONAL SCIENCE BOARD

[For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,500,000, to remain available until September 30, 2007.

[This title may be cited as the ''Science Appropriations Act, 2006''.

[TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[DIPLOMATIC AND CONSULAR PROGRAMS

[For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,747,118,000: *Provided,* That not to exceed 71 permanent positions and $9,804,000 shall be for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $340,000,000 shall be available only for public diplomacy international information programs: *Provided further,* That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

[In addition, not to exceed $1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

[In addition, for the costs of worldwide security upgrades, $689,523,000, to remain available until expended.

[CAPITAL INVESTMENT FUND

[For necessary expenses of the Capital Investment Fund, $128,263,000 (reduced by $59,142,000), to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General, $29,983,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

[EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

[For expenses of educational and cultural exchange programs, as authorized,

$410,400,000, to remain available until expended: *Provided,* That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

[REPRESENTATION ALLOWANCES

[For representation allowances as authorized, $8,281,000.

[PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

[For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,390,000, to remain available until September 30, 2007.

[EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

[For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $603,510,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

[In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $910,200,000, to remain available until expended.

[EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

[For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

[REPATRIATION LOANS PROGRAM ACCOUNT

[For the cost of direct loans, $712,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

[PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

[For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,751,000.

[PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

[For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,700,000.

[INTERNATIONAL ORGANIZATIONS

[CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

[For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,166,212,000 (reduced by $21,947,600): *Provided,* That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations of the Senate and of the House of Representatives the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further,* That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed the revised United Nations budget level for the biennium 2004–2005 of $3,695,480,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

[CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

[For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,035,500,000, of which 15 percent shall remain available until September 30, 2007: *Provided,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further,* That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

[INTERNATIONAL COMMISSIONS

[For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

[INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

[For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

[SALARIES AND EXPENSES

[For salaries and expenses, not otherwise provided for, $27,000,000.

[CONSTRUCTION

[For detailed plan preparation and construction of authorized projects, $5,300,000, to remain available until expended, as authorized.

[AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

[For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

[INTERNATIONAL FISHERIES COMMISSIONS

[For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $22,000,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

[OTHER

[PAYMENT TO THE ASIA FOUNDATION

[For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,000,000, to remain available until expended, as authorized.

[EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

[For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

[ISRAELI ARAB SCHOLARSHIP PROGRAM

[For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

[EAST-WEST CENTER

[To enable the Secretary of State to provide for carrying out the provisions of the

Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $6,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

[NATIONAL ENDOWMENT FOR DEMOCRACY

[For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $50,000,000, to remain available until expended.

[RELATED AGENCY

[BROADCASTING BOARD OF GOVERNORS

[INTERNATIONAL BROADCASTING OPERATIONS

[For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $620,000,000: *Provided,* That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

[BROADCASTING CAPITAL IMPROVEMENTS

[For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,893,000, to remain available until expended, as authorized.

[GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

[SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

[SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

[SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

[(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

[(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

[SEC. 405. Any funds provided in this Act under ''Department of State'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 406. (a) Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

[(1) by striking ''(f) INELIGIBILITY.—An officer'' and inserting the following:

[''(f) INELIGIBILITY.—

[''(1) IN GENERAL.—Except as provided in paragraph (2), an officer''; and

[(2) by adding at the end the following new paragraph:

[''(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

[''(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

[''(B) Such payment may aid in furnishing further information described in such subsection.

[''(C) Such payment is formally requested by such agency.''.

[(b) Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting ''or to an officer or employee of a foreign government in accordance with subsection (f)(2)'' after ''individual''.

[This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2006''.

[TITLE V—RELATED AGENCIES

[ANTITRUST MODERNIZATION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,172,000, to remain available until expended.

[COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

[SALARIES AND EXPENSES

[For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

[COMMISSION ON CIVIL RIGHTS

[SALARIES AND EXPENSES

[For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

[COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

[SALARIES AND EXPENSES

[For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,200,000, to remain available until expended.

[COMMISSION ON SECURITY AND COOPERATION IN EUROPE

[SALARIES AND EXPENSES

[For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,030,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

[CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

[SALARIES AND EXPENSES

[For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

[EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further,* That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

[FEDERAL COMMUNICATIONS COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $289,771,000: *Provided,* That $288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That

the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[FEDERAL TRADE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

[HELP COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

[LEGAL SERVICES CORPORATION

[PAYMENT TO THE LEGAL SERVICES CORPORATION

[For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $330,803,000, of which $313,683,000 is for basic field programs and required independent audits; $2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,826,000 is for management and administration; and $1,755,000 is for client self-help and information technology.

[ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

[None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively.

[MARINE MAMMAL COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,865,000.

[SECURITIES AND EXCHANGE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

[SMALL BUSINESS ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $318,029,000 (reduced by $13,441,000): *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That, of the funds made available under this heading, $1,000,000 shall be for the National Veterans Business Development Corporation: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,500,000.

[SURETY BOND GUARANTEES REVOLVING FUND

[For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,861,000, to remain available until expended.

[BUSINESS LOANS PROGRAM ACCOUNT

[For the cost of direct loans, $1,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $6,000,000,000: *Provided further*, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $16,500,000,000: *Provided further*, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2006 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $124,961,000 (increased by $79,132,000), which may be transferred to and merged with the appropriations for Salaries and Expenses.

[DISASTER LOANS PROGRAM ACCOUNT

[For the cost of direct loans authorized by section 7(b) of the Small Business Act, $79,538,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

[In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b), of the Small Business Act, $49,716,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $900,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $40,316,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

[Not to exceed 5 percent of any appropriation made available for the current fiscal

year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[STATE JUSTICE INSTITUTE

[SALARIES AND EXPENSES

[For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $2,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

[UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until expended.

[UNITED STATES INSTITUTE OF PEACE

[OPERATING EXPENSES

[For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $22,850,000, to remain available until expended.

[TITLE VI—GENERAL PROVISIONS

[SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

[SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

[SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

[SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[SEC. 606. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

[SEC. 607. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

[SEC. 608. The Departments of Commerce, Justice, and State, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

[SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

[(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

[SEC. 610. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 611. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

[SEC. 612. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

[(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

[SEC. 613. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

[(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

[(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

[SEC. 614. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2006 from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

[SEC. 615. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

[SEC. 616. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

[SEC. 617. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 618. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: *Provided*, That, of the total amounts appropriated to the Departments of

Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall maintain a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

[SEC. 619. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, $5,000,000 shall be available to each agency only upon such certification: *Provided further*, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That both agencies shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

[SEC. 620. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

[(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

[(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

[(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

[SEC. 621. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

[SEC. 622. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

[SEC. 623. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

[SEC. 624. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

[(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

[SEC. 625. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

[SEC. 626. Of the amounts made available in this Act, $393,616,321 from ''Department of State''; $27,938,072 from ''Department of Justice''; $14,107,754 from ''Department of Commerce''; $426,314 from ''United States Trade Representative''; $575,116 from ''Broadcasting Board of Governors''; $291,855 from ''National Aeronautics and Space Administration''; and $79,754 from ''National Science Foundation'' shall be available for the purposes of implementing the Capital Security Cost Sharing program.

[SEC. 627. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

[SEC. 628. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

[SEC. 629. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California, and credit the net proceeds of such sales as offsetting collections to its Exploration, science and aeronautics account. Such funds shall be available until expended; to be used to replace the facilities at Camp Parks that are still required, to improve other National Aeronautics and Space Administration-owned facilities, or both.

[SEC. 630. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

[(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

[(1) the priority areas of research for aeronautics through fiscal year 2011;

[(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

[(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

[(4) the budget assumptions on which the national aeronautics policy is based.

[(c) CONSIDERATIONS.—In developing the national aeronautics policy, the Administrator shall consider the following questions, which shall be discussed in the policy statement—

[(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

[(2) the extent to which NASA should address military and commercial needs;

[(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

[(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

[(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

[(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation no later than the date on which the President submits the proposed budget for the Federal government for fiscal year 2007 to the Congress. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

[SEC. 631. Any funds provided in this Act under ''National Science Foundation'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 632. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

[(b) The foregoing exemption from obtaining an export license—

[(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

[(2) does not permit the export without a license of—

[(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

[(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

[(C) articles for export from Canada to another foreign destination.

[(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

[(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

[SEC. 633. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

[SEC. 634. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

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

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

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

[TITLE VII—RESCISSIONS

[DEPARTMENT OF JUSTICE

[LEGAL ACTIVITIES

[ASSETS FORFEITURE FUND

[(RESCISSION)

[Of the unobligated balances available under this heading, $62,000,000 are rescinded.

[OFFICE OF JUSTICE PROGRAMS

[STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[(RESCISSION)

[Of the unobligated balances available under this heading, $38,500,000 are rescinded.

[COMMUNITY ORIENTED POLICING SERVICES

[(RESCISSION)

[Of the unobligated balances available under this heading, $86,500,000 are rescinded.

[DEPARTMENT OF COMMERCE

[EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

[(RESCISSION)

[Of the unobligated balances available under this heading from prior year appropriations, $35,000,000 are rescinded.

[RELATED AGENCIES

[UNITED STATES-CANADA ALASKA RAIL COMMISSION

[SALARIES AND EXPENSES

[(RESCISSION)

[Of the unobligated balances available under this heading from prior year appropriations, $2,000,000 are rescinded.

[TITLE VIII—ADDITIONAL GENERAL PROVISIONS

[SEC. 801. None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose any such taxation or fee on any United States person.

[SEC. 802. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration to employ any individual under the title ''artist in residence''.

[SEC. 803. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

[(b) The amount otherwise provided in this Act for ''DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' is hereby reduced by $1,000,000.

[SEC. 804. None of the funds made available in this Act may be used to deny the production of safety reports regarding the NASA Space Shuttle program and the International Space Station.

[SEC. 805. None of the funds appropriated in this Act may be used to enforce the judgment of the United States District Court for the Southern District of Indiana in the case of Russelburg v. Gibson County, decided January 31, 2005.

[SEC. 806. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

[SEC. 807. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

[(1) Section 2340A of title 18, United States Code.

[(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

[This Act may be cited as the ''Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $125,936,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: Provided further, That not to exceed 24 permanent positions, 19 full-time equivalent workyears and $2,980,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,470,000 shall be expended for the Office of Public Affairs: Provided further, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: Provided further, That not less than $500,000 shall be used to contract with an independent party to carry out a privacy assessment.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $135,000,000, to remain available until expended: Provided, That, of the funds available $10,000,000 is for the unified financial management system to be administered by the United Financial Management System Executive Council: Provided further, That of the funds provided, $20,000,000 is unavailable for obligation until the Department Chief Information Officer submits the plan described in section 111 of this title.

NARROWBAND COMMUNICATIONS

For necessary expenses for the costs of conversion to narrowband communications, including the cost for operations and maintenance of Land Mobile Radio legacy systems, $90,000,000, to remain available until September 30, 2007: Provided, That the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made into or out of this account shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $216,286,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,222,000,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $70,431,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $11,000,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended

under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $648,245,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,572,654,000; of which not to exceed $2,500,000 shall be available until September 30, 2007, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $20,000,000 shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,465 positions and 10,451 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That of the funds made available under this heading, $1,500,000 shall only be available to continue ''Operation Streetsweeper''.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,270,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $764,199,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which $4,000,000 for information technology systems shall remain available until expended; and of which not less than $13,130,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2007: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Attorney General shall include in the budget justification materials that the Attorney General submits to Congress in support of the Department of Justice budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each United States Marshals Service courthouse security project and an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,657 positions and 4,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, $12,000,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Attorney General shall include in the budget justification materials that the Attorney General submits to Congress in support of the Department of Justice budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each construction project of United States Marshals Service in United States courthouses and Federal buildings and an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $168,000,000, to remain available until expended: Provided, That not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $7,000,000 may be made available for the purchase, installation, and maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For the necessary expenses of the Community Relations Service, $9,659,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $440,197,000, of which $50,000,000 shall remain available until expended: Provided, That all funds appropriated under this heading shall be managed and executed by the Administrator of the Drug Enforcement Administration and all employees of the Executive Office for the Organized Crime and Drug Enforcement Task Forces shall report directly to said Administrator within 60 days of enactment of this Act: Provided further, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall be available to the Administrator of the Drug Enforcement Administration for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 505 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,295,513,000; of which not to exceed $150,000,000 shall remain available until expended; of which $1,600,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $20,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, cybercrime, and drug investigations: Provided, That not to exceed $200,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise

authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $25,213,000, to remain available until expended: Provided, That $15,108,000 shall be available for the planning, design, and construction of a regional analytical training center in Redstone Arsenal: Provided further, That $5,000,000 shall be available for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sample, handling and receipt of hazardous material by the Department of the Army.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,649,142,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,371 positions and 8,270 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,700,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: Provided further, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further, That of the amount provided under this heading, $5,000,000, to remain available until expended, shall be for the expenses necessary for site selection, architectural design, site preparation and the development of a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research: Provided further, That any funds remaining shall be applied to the construction of the Center: Provided further, That the Director of the ATF, when considering site selection shall consider a site collocated with other law enforcement and Federal government entities that provide similar training and research.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,889,649,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $85,017,000 shall remain available for prison activations until September 30, 2007: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $222,112,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and

prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $362,997,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: Provided further, That of the amounts provided—

(1) $187,308,000 for grants to combat violence against women as authorized by part T of the 1968 Act, of which:

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the Juvenile Justice and Delinquency Act of 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(2) $62,660,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) $39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(4) $9,054,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(5) $39,220,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

(6) $4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(7) $13,894,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

(8) $7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, the Victims of Child Abuse Act of 1990 (''the 1990 Act''), the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and with the Victims of Crime Act of 1984, as amended, $221,000,000, to remain available until expended: Provided, That of the amount provided—

(1) $4,958,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(2) $986,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(3) $2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602(a) of the 1994 Act;

(4) $2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(5) $11,846,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,078,350,000 (including amounts for administrative costs which shall be transferred to and merged with the ''Justice Assistance'' account): Provided, That funding provided under this heading shall remain available until expended: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	*Amount*
Justice Assistance Grants	*$530,000,000*
Boys and Girls Clubs	*$85,000,000*
National Institute of Justice	*$10,000,000*
Indian Assistance Programs	*$15,000,000*
State Criminal Alien Assistance Programs	*$170,000,000*
SW Border Prosecutors	*$30,000,000*
Byrne Grants (discretionary)	*$177,000,000*
Drug Courts	*$25,000,000*
Marketing Scams Against Senior Citizens	*$1,000,000*
Missing Alzheimer's Disease Patient Alert Program	*$850,000*
Assistance for Victims of Trafficking	*$2,000,000*
Prison Rape Prevention	*$1,500,000*
State Prison Drug Treatment	*$15,000,000*
National Criminal Intelligence Sharing Plan	*$6,000,000*
Capital Litigation	*$1,000,000*
Justice For All	*$4,000,000*
State and Local Anti-Terrorism Training	*$5,000,000:*

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $50,280,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 505 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $515,087,000, to remain available until expended: Provided, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 505 of this Act: Provided further, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act'') shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	*Amount*
Hiring	*$2,000,000*
Training and Technical Assistance	*$14,000,000*
Bullet Proof Vests	*$27,000,000*
Tribal Law Enforcement	*$20,000,000*
Methamphetamine Hot Spots	*$60,100,000*
Police Corps	*$10,000,000*
Law Enforce Technologies (projects)	*$137,000,000*
Interoperable Communications	*$37,500,000*
Criminal Records Upgrade	*$20,000,000*
DNA Initiative	*$89,500,000*
Coverdell Forensics Science Improvements	*$22,000,000*
Crime Identification Technology	*$30,000,000*
Offender Reentry	*$3,000,000*
Safe Schools Initiative	*$5,000,000*
Police Integrity	*$7,500,000*
Management and Administration	*$30,487,000.*

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the Act'') and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $350,000,000, to remain available until expended: Provided, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	*Amount*
Part A, Concentration of Federal Efforts	*$1,000,000*
Part B, Formula Grants	*$82,000,000*
Part C, Discretionary Grants	*$5,000,000*
Part D, Research, Evaluation, TA and Training	*$8,000,000*
Part E, Developing New Initiatives	*$75,000,000*
Part G, Juvenile Mentoring Program (JUMP)	*$15,000,000*
Title V, At Risk Children Programs	*$20,000,000*
Title V, Tribal Youth	*$10,000,000*
Title V, Gang Prevention	*$25,000,000*
Title V, Prevention of Underage Drinking	*$25,000,000*
Secure Our Schools Act	*$15,000,000*
Project Childsafe	*$5,000,000*
Juvenile Accountability Block Grants	*$49,000,000*
Victims of Child Abuse Act	*$15,000,000.*

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception

and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 106. The Attorney General is authorized to make permanent the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 107. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 108. Funds appropriated by this Act for the Federal Prisons System shall be in the amounts and accounts specified in the report accompanying this Act: Provided, That within 30 days of enactment of this Act, the Bureau of Prisons will submit a comprehensive financial plan for the Federal Prison System to the Committees on Appropriations: Provided further, That no funds appropriated for the Federal Prison System in this or any other Appropriations Act for the construction of new facilities may be rescinded, cancelled, or used for any other purpose.

SEC. 109. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 110. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 111. Within the funds provided under ''Justice Information Sharing Technology'', the Attorney General shall establish an investment review board, which the Deputy Attorney General shall head: Provided, That within 90 days of enactment of this Act, the Department shall submit a plan that outlines the governance structure and membership of the board: Provided further, That the Department shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, within 90 days of enactment of this Act, the project criteria that will trigger the board's oversight, to include a listing of all projects to be reviewed during fiscal year 2006.

SEC. 112. Section 3151(b) of title 5, United States Code, is amended by—

(1) striking paragraph (2)(A) and (B);

(2) in paragraph (1) by striking ''(1)''; and

(3) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

This title may be cited as the ''Department of Justice Appropriations Act, 2006''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $40,997,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c): Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $409,625,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $48,134,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $64,134,000 shall be for the Import Administration; $231,722,000 shall be for Trade Promotion and the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $77,000,000, to remain available until expended, of which $7,200,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for

providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $283,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,939,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,727,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $81,283,000, to remain available until September 30, 2006.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $183,029,000.

PERIODIC CENSUSES AND PROGRAMS

For nessary expenses related to the 2010 decennial census, $390,000,000, to remain available until September 30, 2006.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $154,356,000, to remain available until September 30, 2006.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $20,255,000, to remain available until September 30, 2007: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $22,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, $15,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, health care, or public information: Provided further, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,703,300,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: Provided further, That of amounts made available under this heading, $500,000 is only for the National Intellectual Property Law Enforcement Coordinating Council: Provided further, That in fiscal year 2006 and hereafter, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and postretirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce and the Technology Administration provided for by law, including not to exceed $5,000 for official entertainment, $49,605,000: Provided, That not to exceed 9 full-time equivalents and $1,181,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

GENERAL PROVISIONS, DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 204. Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program in section 211(b) of Public Law 108–199 shall remain available until expended: Provided, That section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended by striking ''2005'' and inserting ''2007''.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among

appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2006''.

TITLE III—SCIENCE

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $399,869,000, to remain available until expended, of which not to exceed $3,000,000 may be transferred to the ''Working Capital Fund'': Provided, That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2006 for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $140,000,000, to remain available until expended, of which $60,000,000 shall be expended for the award of new grants before September 30, 2006.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $198,631,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multiyear program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; relocation of facilities, $3,199,983,000, to remain available until September 30, 2007, except for funds provided for cooperative enforcement which shall remain available until September 30, 2008: Provided, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $62,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That fees and donations received for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: Provided further, That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That, of the $3,264,983,000 provided for in direct obligations under this heading, $610,462,000 shall be for the National Ocean Service, $763,783,000 shall be for the National Marine Fisheries Service, $470,109,000 shall be for Oceanic and Atmospheric Research, $772,762,000 shall be for the National Weather Service, $180,412,000 shall be for the National Environmental Satellite, Data, and Information Service, and $402,455,000 shall be for Program Support: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,693,000: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full time positions and may be extended indefinitely: Provided further, That none of the funds in this Act may be used for the National Oceanic and Atmospheric Administration to implement the Department of Commerce's E-Government initiatives: Provided further, That, notwithstanding any other provision of law, the authorities provided to National Aeronautics and Space Administration pursuant to 42 U.S.C. 2473 shall be available to the National Oceanic and Atmospheric Administration in the furtherance of its oceanic, atmospheric and space mission and programs: Provided further, That the obligated balance of such sums shall remain available through September 30, 2012 for liquidating obligations made in fiscal years 2004 and 2005.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,195,017,000, to remain available until September 30, 2008, except funds provided for construction of facilities which shall remain available until expended: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That beginning in fiscal year 2006 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than $5,000,000 and an estimate of the budgetary requirements for each such program for each of the five subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000 to remain available under September 30, 2007.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: Provided, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: Provided further, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for traditional direct loans, of which $19,000,000 may be used for direct loans to the United States menhaden fishery: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS, AND EXPLORATION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,761,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Exploration Capabilities'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: Provided, That within the amounts provided under this heading, $250,000,000 shall be for a Hubble servicing mission, $1,120,100,000 shall be for Constellation systems, and $132,930,000 shall be for other related exploration, science, and aeronautics activities.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental

compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,603,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, Aeronautics, and Exploration'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Science, aeronautics, and exploration'', or ''Exploration capabilities'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for minor institutional revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics, and Exploration'', or ''Exploration capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

The unexpired balances of prior appropriations to National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,345,213,000, of which at least $386,930,000 shall remain available until expended for Polar research and operations support, of which up to $58,000,000 shall be used for the procurement of polar ice breaking services from the U.S. Coast Guard, and that in the event that the U.S. Coast Guard is unable to provide said ice breaking services, then the National Science Foundation shall procure such services from alternative sources, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2006: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $747,000,000, to remain available until September 30, 2006: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $229,896,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,500,000, to remain available until September 30, 2006.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

GENERAL PROVISIONS—SCIENCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $8,000,000 is for a cooperative agreement with the Medical University of South Carolina; $20,000,000 is for the National Formulation Science Laboratory at the University of Southern Mississippi; $20,000,000 is for the University of Mississippi Research Park; $5,000,000 is for the Alabama State University Science and Education Building; $8,000,000 is for Tuscaloosa, Alabama, revitalization; $20,000,000 is for the Biomedical Research Center at the University of Alabama at Birmingham; and $30,000,000 is for the University of Alabama for the design and construction of the Science and Engineering Center.

SEC. 302. Of the amount available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', $10,000,000 shall be provided to the Alaska Fisheries Marketing Board, $5,000,000 shall be available to the Southern Shrimp Alliance for its ''Wild American Shrimp Marketing Program''.

SEC. 303. Of the amounts made available under the heading ''Procurement, Acquisition and Construction, National Oceanic and Atmospheric Administration'', $12,000,000 shall be transferred to the National Aeronautics and Space Administration for the planning, design, and construction of Building 3203, and for the planning and design of Buildings 3205 and 3216.

This title may be cited as the ''Science Appropriations Act, 2006''.

TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 505 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $9,900,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $297,370,000: Provided, That $296,370,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: Provided further, That any offsetting collections received in excess of $296,370,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2006: Provided further, That, in addition, not to exceed $20,000,000 may be transferred from the Universal Service Fund to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General: Provided further, That any sums that are transferred from such Fund for such purposes shall be subject to the reprogramming requirements set forth in section 505 of this Act.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note): Provided further, That hereafter no funds appropriated in this or any other Act shall be expended to remove the Federal Trade Commission from its headquarters building, the Federal Trade Commission Building, located at 600 Pennsylvania Avenue, Northwest, Washington, DC; to render such building appropriate for occupation by another Federal agency or other organization or division thereof; or to locate any such agency, organization, or division in said building.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $324,527,000, of which $312,251,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,900,000 is for management and administration; $3,400,000 is for client self-help and information technology; and $2,849,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104–134 (110 Stat. 1321–51, et seq.) shall not apply to the use of the $1,775,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $2,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000; of which not to exceed $13,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $336,084,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2006 or fiscal year 2007 as authorized: Provided further, That the Small Business Administration is authorized to award grants under the Women's Business Center Sustainability Pilot Program established by section 4(a) of Public Law 106–165 (15 U.S.C. 656(l)): Provided further, That, of the amounts provided for Women's Business Centers, not less than 48 percent shall be available to continue Women's Business Centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $2,000,000, as authorized by 15 U.S.C. 631 note, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed the levels established under 20(e)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed the levels established under 20(e)(1)(B)(i) of the Small Business Act: Provided further, That during fiscal year 2006 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $126,653,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $83,335,000,

to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $56,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $1,500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $46,100,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,000,000 is for indirect administrative expenses and may be transferred to and merged with funds in the Salaries and Expenses appropriations account: Provided, That any amount to be transferred to and merged with appropriations for Salaries and Expenses for any purpose shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $5,000,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission, and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were made available to any such agency in any previous appropriations Act.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds: Provided, That transfers may not be made from ''Buildings and Facilities, Federal Prison System'' to any other Department of Justice account.

SEC. 506. Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 509. Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) shall not apply to any funds made available by this Act or an amendment made by this Act.

SEC. 510. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 511. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 512. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 513. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 514. Of the amounts made available under the heading ''Small Business Administration, Salaries and Expenses'', $50,000,000 shall be available for programs described in the statement accompanying this Act.

SEC. 515. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 516. All disaster loans issued in Alaska shall be administered by the Small Business Administration and shall not be sold during fiscal year 2006.

SEC. 517. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 518. The Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 519. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 520. UNIVERSAL SERVICE SUPPORT. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or

regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

SEC. 521. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

TITLE VI—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM FUND

(RESCISSION)

Of the unobligated balances available under this heading, $11,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $82,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $103,502,000 are rescinded; of which $30,000,000 shall be from funding for J. Edgar Hoover Federal Bureau of Investigation Building tours; and of which $73,502,000 shall be from funding for the Federal Bureau of Investigation's failed computer modernization program.

This Act may be cited as the ''Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006''.

Amend the title so as to read: ''An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.''.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, on behalf of the distinguished chairman of the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Senate Appropriations Committee, Mr. SHELBY, I am pleased to present to the Senate the appropriations bill written by the subcommittee for fiscal year 2006.

Senators Shelby and Mikulski have done an outstanding job producing this bill at a time when discretionary dollars are scarce. The subcommittee chairman and ranking member have had to make many difficult decisions on issues that were presented during the writing of this bill.

The consideration of the bill also comes at a time when we have witnessed a terrible tragedy in the gulf coast region of our Nation. The entire region, including specifically Alabama, Louisiana, Mississippi, and other areas have suffered serious damages, the loss of lives and livelihoods.

This bill provides funding for many Government functions and programs that are important to hurricane prediction, response, and recovery. Small Business Administration disaster loans, Economic Development Administration public works grants, and State and local law enforcement assistance grants are a few examples of programs contained in the bill that can help disaster victims in the short run.

We do need immediate assistance available, and these funds will become available at the beginning of the fiscal year, starting October 1.

The National Oceanic and Atmospheric Administration is a major agency involved in researching, forecasting, monitoring, and warning of hurricanes. Funding for that agency is included in this bill.

But this bill also reflects a commitment to responsibility in holding down the level of spending at a time when we see the Federal Government building up deficits that some worry threaten the economic livelihood and growth potential of our economy. So this is a lean bill. Senator SHELBY and Senator MIKULSKI have had to refuse to include in the bill a lot of requested projects for funding. These are difficult decisions because the needs are real and many are very meritorious. But I think Senators will find this bill supports the functions and responsibilities of the agencies and the Departments that are funded in the bill. There are increases provided where those increases are necessary and important to include.

The bill is within the 302(b) allocation of the Budget Act, and the total amount recommended in the bill is $885 million above the fiscal year 2005 level. This is a 2-percent increase over last year's level of spending.

The bill includes an increase of over $1 billion above the President's budget request for the Department of Justice. This is primarily due to the restoration of the proposed cuts to State and local law enforcement grant programs. I am sure the funds will be helpful and important in the discharge of those responsibilities at the local level throughout the country.

The bill recommends nearly $7.2 billion for the Department of Commerce, including the National Oceanic and Atmospheric Administration and the National Institute of Standards Technology, which is an 8-percent increase over last year's level of funding. This part of the bill is particularly important because it provides funding for hurricane prediction and warning, including the National Data Buoy Center which provides data from the oceans to help assess the strength and speed of hurricanes.

The bill also provides funding for NASA, the National Aeronautics and Space Administration, to move forward with the exploration vision, while fully funding activities of the space shuttle and the International Space Station.

In the related agencies title of the bill, funding is included for the Securities and Exchange Commission and the Federal Communications Commission.

The bill also addresses very important needs that were brought to the attention of the committee during hearings by both the administration and other Senators. Overall, the subcommittee chairman and ranking member have crafted a bill that reflects the committee's and the Senate's priorities as well as those of the administration.

I hope Senators will support the bill. And we hope we can complete action on it today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

I come to the floor as the ranking member of this very brandnew subcommittee called Commerce, Justice, and Science. As the Presiding Officer knows, and our colleagues remember, the Appropriations Committee reorganized itself, and I had been the ranking member of a subcommittee called VA–HUD and Independent Agencies. It exists no more. But now we have Commerce, Justice, and Science, which we think is an outstanding subcommittee, funding the important agencies related to making us a safer, stronger, smarter, more innovative country.

Originally, I anticipated our bill would come up today with such enthusiasm and such joy in working with my colleague, Senator SHELBY, whom I served with in the House, that we would work together on a bipartisan basis to fashion the bill, but on its way to the floor a great national tragedy occurred with Hurricane Katrina.

I want to say here today on the floor to the distinguished Senator from Mississippi, who has just spoken, Mr. COCHRAN, the chairman of the Appropriations Committee, first of all, know that you can count on me for full support to move all appropriate legislation to help the people of our gulf coast. I know the distinguished Senator is from a wonderful State with a great heritage and is a great contributor to our economy. And we know his State has been hit hard. We watched him tour the hit zones.

This is a time we all do work together. I know all of our colleagues are so proud of the rescue workers who are going to continue to rescue people throughout the gulf coast region. Our hearts and prayers and thoughts go out

to the families who have lost everything in this terrible tragedy.

At the same time, we acknowledge the tremendous role of scores of National Guard soldiers, our Coast Guard rescuers, those Navy guys who rescued 110 people—and they might have gotten a reprimand from their commander, but they would certainly get a hug and kiss from this Senator for what they did—and the doctors and nurses and the paramedics and all the first responders and law enforcement. Everybody who is out there working a 36-hour day, we thank you and we salute you.

As of Monday, there have been so many who have been rescued, shelters that have been opened, and hot meals being served. Also, under the doctrine of mutual assistance, other States have opened their doors—Texas, Arkansas. My own State of Maryland has sent tremendous help and support. So we all need to pull together now.

I am glad the press has stopped calling those people who have lost everything refugees. ''Refugee'' is an honorable title, but this is not ''Hotel Rwanda.'' This is the United States of America. All those people are our citizens. They have been evacuated, but they have a home to go back to. And they have another home called the United States of America, where every State, every city would have an open door toward them. They have not lost their home. They have not lost their homeland. And they cannot lose their way.

In my own home State, we have sent people down to rescue people—first responders. Governor Ehrlich sent our National Guard. We are so proud of the hospital ship, the USS *Comfort*, that is steaming down heading toward the coast of New Orleans. But whether it has been first responders, local law enforcement, charitable aid from the nonprofits and faith-based organizations, they all wanted to offer a contribution.

But we cannot do this on philanthropic activity alone. We cannot do this with just good will. And to be sure, eventually fatigue will set in. But the U.S. Federal Government must be tireless. It must be responsive. It is critical we approve the Commerce, Justice, Science appropriations bill quickly. The distinguished Senator from Mississippi has outlined this bill.

This bill provides a downpayment for the victims of Katrina to rebuild their lives and communities. We know a supplemental is coming, and we will work expeditiously on a bipartisan basis to also help. We will not play politics with the lives of our citizens and with all of those who are conducting the rescue and cleanup.

There are some important things in this bill that can be of specific and immediate help. One is the Small Business Administration's disaster loan program. It is not just for business, it is for families. SBA provides low-interest loans of up to $200,000 to repair damaged property to primary residences, and up to $40,000 for personal property.

SBA provides low-interest loans to businesses and nonprofits of up to $1.5 million to repair damage to their real estate, machinery, equipment, and inventory. So SBA will not only help businesses become businesses again, but it will help families be able to get their home going again. And for all those nonprofits that will be there when the TV cameras leave, this will also help them get on their feet.

Another area where we will be very helpful is in the area of the Economic Development Administration. This is in the Commerce Department. It provides grants to State and local governments for infrastructure repair and modernization. And, boy, do they do that. Roads need to be built, and not only the great Federal highways, but those blue highways that make our rural areas so great and provide a livelihood to those communities.

Economic development assistance money can help recover from sudden and severe dislocation. This bill includes $315 million for EDA, and we presume that in the supplemental this could be a very specific line item that would not get lost in big bureaucracy.

We want to provide assistance in the Department of Justice to our State and local police. They provide the safety and security of first choice so we want to make sure that they are supported. They themselves have lost police stations. They have lost their equipment. They have lost their homes. We need to be able to help them.

While we also are repairing the damage, we need to look ahead and be sure we can always give the best predictions possible so people can get out of harm's way. This bill funds the National Weather Service. It is a branch of NOAA, and it has already done a great job of predicting hurricanes, storms, flooding, and tornadoes. But we want to bring even more innovation to them and more resources so they can predict not only hurricanes but any other natural disaster coming to a community so that we can prevent loss of life and secure property. Those are some of the things that can be focused immediately on Katrina and future prevention. As we know, there are some hurricanes gathering with names like Ophelia off the coast now. That is what we can do.

At the same time, Senator SHELBY and I, taking our new charge very seriously, said we wanted to work together to build a safer, stronger, smarter America. So we concentrated on the Department of Justice to make this a safer country. What we then did was look at the agencies within our portfolio, the FBI, Drug Enforcement, the U.S. Marshals Service, as well as alcohol and firearms. We know that the Department of Justice protects us from terrorists and protects our neighborhoods and communities. They protect us against those who have a predatory intent against our country, the terrorists, but it also protects our children against sexual predators. We want to salute President Bush and Attorney General Gonzales for developing a specific watch list for the registration of sexual predators. It has given a wake-up call to all States. Predatory behavior doesn't go in our country.

The Department of Justice accounts for almost 50 percent of our entire bill. The FBI is the lead agency. It will receive $5.3 billion, a $100 million increase, so that they can continue to fight organized terrorism and organized crime as well. We have given the FBI a record amount to do that. We look forward to working with them to correct some of their problems in technology, and we know they are improving their management. At the same time, we thank them for focusing, No. 1, on protecting our children through the Missing and Exploited Children's Program, which, by the way, the Missing and Exploited Children's Program is now going to be used to help locate over 100 to 1,000 children, where their parents don't know where they are. We are going to find those children, and we are going to bring them back to their parents one way or another.

Working together with the Bureau of Alcohol, Tobacco, and Firearms, we want to make sure they have the resources to protect us against arson, street crime, and gangs that are now menacing our communities. We thank them for the outstanding job that the ATF arson laboratory did in Maryland. It identified the DC serial arsonist that burned down homes in Charles County. It also provided the ballistic laboratory that helped to solve the DC sniper case. Our law enforcement is on the job, and they are protecting us every day. We have tried to protect them in the Federal budget so that they can do their job.

At the same time, while we are doing law enforcement, we look at commerce and science. This is where we talk about building a stronger economy and a smarter America. We do all we can to fund the programs in the Commerce Department. One of our most important places, though, is where we protect our intellectual property. As we are working to protect our citizens, we have to protect what our citizens invent. We are the country of discovery, of innovation, of invention. If you invented it, we think you ought to be able to keep it. We, therefore, provided $1.7 billion for the Patent and Trademark Office. It is a record amount that should help them reduce their backlog of patent applications and help us make sure we secure those new ideas that are going to create the new jobs right here in the United States.

We are also supporting our great Federal laboratories that help come up with the new ideas and set the standards for products so they can go to the marketplace. That is the National Institute of Standards and Technology located in Maryland. It sets standards that are critical to successful commerce and, because of what they do,

transfers technology to the American business community.

The bill fully funds the Advanced Tech Program and the Manufacturing Extension Program which are important to fostering competitiveness. In science, we have NOAA, which I have spoken about, which does fantastic work on weather prediction, saving lives, and saving communities through their predictions. But at the same time, they do fantastic research on our oceans, on our bays and so on. We know that we are going to face, because of Katrina, a real impact on oysters and clams and shrimp on the gulf coast. What are the ideas to be able to help out and restore the bays that produce those delicious morsels but that are so important to the economy and to little people who have names like watermen and fishermen and seafood? This is what we are challenging NOAA to do, continue their great research. But we need immediate and practical solutions to protect the seafood industry on the gulf coast.

Then there is NASA. Originally, we thought the only risky operation was going to be the Hubble telescope. Now we have human need pressing us, and we are going to meet that need. For NASA, we have provided $16.4 billion, a $200 million increase over last year. This does include the money for the Hubble servicing mission. We are going to provide full funding for the space shuttle, for the space station, and work with Dr. Griffin on the new Crew Exploration Vehicle.

Because of Katrina, we know two major NASA facilities were heavily damaged. One was the Michoud assembly facility in New Orleans. The other was the Stennis facility in Mississippi. This is everything from shipyards to spaceships, from Navy ships to spaceships. We know those facilities suffered tremendous damage, and 50 percent of the employees lost their homes. We expect the administration and the agencies to tell us what happened to those employees and how we can help them.

On the bright side, we are so happy about the successful mission of *Discovery* last month. Weren't we proud of Colonel Collins and that daring-do, can-do crew that got out there and did the kind of repair work that had never been done in space, showed our courage and our tenacity and our technological capability. We want to support them. We know they want to return to space. The shuttle tanks were to be prepared in New Orleans. We are going to have to make adjustments. But then again, everybody is making adjustments, and we are all going to work together. The National Science Foundation is also in here. Just think what the Committee on Science is—NIST, NOAA, NASA, the Science Foundation. These are the new ideas. It is going to help with funding for important research in new ideas in basic science like physics and also breakthrough things again for new jobs like biotech and nanotech.

One of the important things we did was preserve the funding for historically Black colleges and universities. This is also coming at a very important time. Louisiana, I believe the entire gulf, was the home of 28 colleges and universities that were affected by Katrina. Historically Black colleges all over America, such as Morgan State in my hometown, are accepting the young men and women from the historically Black colleges of the gulf coast. They are accepting them and not asking questions about tuition and other things. This is a way of also being of help. So we are all pitching in together.

One of the flashing yellow lights in the bill is the census. Because of staying within our 302(b) allocation, we funded the Census Bureau with $17 million below last year's level and $150 million below the President's request. The census is important. They don't just do something every 10 years where they knock on your door and give you a complicated form. It continually evaluates who we are and where we live and gives us important information so that communities and businesses can develop everything from transportation and education plans to business targeting the new demography in our country. We are proud of the civil servants that work in Maryland, and we look forward to looking at how we can restore funding. When we looked at our priorities, we thought Census could do without an increase and even a very modest $17 million cut. We hope to restore that in conference. But when we looked at all that we needed to do in Justice and all that we needed to do, particularly in agencies such as the FBI, we felt that these were our priorities. Now that Katrina has hit us, we will be reevaluating as we go along.

That is our bill. We are proud of our bill because we have tried to focus on where America is today and where America needs to go tomorrow. We tried to look at the day-to-day needs of our constituents and know that they needed to be protected in their local communities. That is why we looked at local law enforcement. We know that we face predatory assault from everything from organized crime to organized terrorists. We focused on our Justice Department, but also on our science and on our commerce for new ideas, for new products and invention, but also to fund those agencies that help them protect their intellectual property against often international predators and also come up with those new ideas.

Along the way, Katrina has happened. We are going to make sure this bill serves the needs now, the immediate needs of our neighbors in the gulf and those States that have been so kind and so generous and welcoming. We view this bill as a work in progress, but work it will be, and progress we will make. We are going to work together.

These are not refugees. They are evacuees, as our Senators are. We need to remember all of the people who have been affected. We are one nation, under God, and we are indivisible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am impressed with the comprehensive statement made by the distinguished Senator from Maryland, describing the provisions of this bill that have been prepared and are being presented today to the Senate by her subcommittee. Her comments and the tone that she has set reflects so well on the Senate. It also reflects a bipartisanship that is so important to the writing of this bill. This is not a Republican bill nor a Democratic bill. It is a bill that reflects a consensus of the members of the subcommittee and also respect for the requests being made by the administration for funding of these agencies and departments for the next fiscal year.

We have all had what some might say is a wake-up call about hurricane warnings, mobilization of State and local resources, and relocation of people who are threatened by the ravages of storms such as Katrina. This bill is designed to meet the challenge that is so fresh in our minds. It can be presented to Government officials, private individuals, and businesses as we seek to protect our families and our property and our lives from the threats hurricanes and other storms might pose. It also reflects, as the distinguished Senator pointed out, funding that provides the resources we need for law-and-order activities, crime prevention, and investigations to ensure we are doing what has to be done to protect the security of our country.

I know of no more important bill that will come before the Senate this year from our committee than the one being presented today by Senators SHELBY and MIKULSKI. They have done a wonderful job working together. They have set an example by which we could all profit.

We need to act expeditiously on the bill, consider any amendments that any Senator has to add money or delete funding that is contained in the bill. We assure everyone that we want to act in a thoughtful way and one that will reflect credit on the Senate.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for approximately 30 minutes, perhaps more.

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

HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today as the senior from Louisiana. But I was not born a Senator. I was born a Louisianian. I am a daughter of the Crescent City, raised by a family of places whose names may seem strange and exotic to people in Washington, DC, and around the Nation places like Plaquemines, Cocodrie, Kenner, Slidell, St. Tammany, St. Bernard and Bogalusa.

Most people refer to this region of the country—Mississippi, Louisiana and Alabama—as the energy coast the maritime coast, the gulf coast. The largest city in this area is the city of New Orleans, almost 500,000 people, my hometown. At one time or another every Member of this body has told me their own story about what they love about New Orleans and south Louisiana. For some, it is our music. For others it is Mardi Gras. And yet others, it is that special magic. Each one of you has come away from our State with a special memory, a singular moment that reflects the vibrant culture and personality of our State. And what all of my colleagues have mentioned to me over many years is the special, special spirit of the people.

Today, I stand before my colleagues, Democrats and Republicans, to report to the Senate that our people are hurting. Some are despairing and many are still crying. But our spirit is strong and it will be this spirit, along with the best work the Senate has ever done, that we will lift this region and rebuild it.

Thousands are dead, and only God knows how many. Hundreds and thousands are homeless, jobless, and without their businesses, large and small. But amidst water, death, destruction, anguish and anger, our spirit is strong.

And today, there are thousands of heroes. Those heroes may not be anybody in this Chamber, but I will tell you who the heroes are. They are the leaders of Plaquemines Parish and St. Bernard and Orleans and Jefferson and counties in Mississippi that kept their government functioning even as much of their parish laid under water. In St. Bernard and Plaquemines Parish, that water was 8 to 20 feet high in places. And in New Orleans, the water still stands 6 to 10 feet in some places on the east bank. The only thing out of the water the last time I left was Jackson Square, the Cathedral and the French Quarter. Because the people who settled the city were smart enough to put it on the highest ground they could find, and that high ground has been serving this Nation so well and so magnificently for over 300 years. And it is still there.

The heroes are the New Orleans sheriffs who secured and evacuated the city jail, not because they were trying to coddle the prisoners, but because there was a threatened jail break when the system failed and the electricity went off. So the deputies who had lost their own homes and had lost maybe members of their own family, swam through water to get the prisoners out of the prison, not to give them a warm meal but to secure them, so hardened rapists and murderers would not plague the city at its time of greatest distress.

Our local leaders never once flinched from their duty to protect their residents and save every man, woman or child, regardless of race or income.

It was so desperate that the law enforcement didn't have to triage. The people were triaging themselves. In other words, when the boat drove up, they would put the old people first in the boat. Then they would put the babies in the boat. And all the young, ''healthy'' people would just stay on the roof until the boat could come back. Sometimes it did and in some cases it was too late.

I flew back here after one plane that I got on had no fuel. I had to come back with the Commandant of the Coast Guard, and he told me himself yesterday the Coast Guard rescued 32,000 people either by boat or by helicopter. And that is not counting what Wildlife and Fisheries agents did in Louisiana, Mississippi, or Alabama. That is not counting what regular boat owners, once they could wade through water and turn their boats on went down and did themselves, of which the news media did not cover. Because the only thing the news media could focus on was the Convention Center and the Superdome because it made the best picture. We understand that as politicians. They need visuals. I am sorry I couldn't provide any more visuals for them, but there was a lot more going on than just at the Superdome and the Convention Center.

Across the State, perhaps the greatest heroes are those we don't know about the concerned and courageous friends who took care of elderly neighbors and ensured their safe evacuation. One brief story: An elderly African-American woman in a shelter came up to me. She was a retired teacher. Her feet were wrapped because she had cut up her feet in this episode. She said, ''Ms. Landrieu, please go back and tell those people in Washington we were fine after the hurricane hit. It wasn't the hurricane that put us under. It was that water that came up from the levee. Don't they know anything up there about the 17th Street Canal? Don't they know anything about the Florida Street Canal?''

I said, ''No, Ma'am, but we're going to tell them more about that.''

She said, ''I stood on my ladder for 2 days. I've never seen water like that. That water kept going up 6 inches and going down 6 inches.'' Do you know what she was experiencing with the water rising and receding? She was feeling the tide of Lake Ponchartrain. She said, ''It kept going up to my nose and going down to my chest.''

The Louisiana State flag depicts a pelican. The pelican takes from herself, her own breast to feed her young. Thousands of Louisianians this week brought that state symbol to life.

As brave and bold as my fellow Louisianians have been—and our heart goes out to the people in Mississippi and Alabama—we have been moved beyond measure by the generosity and selflessness of our fellow Americans. New York City itself sent 600 of its finest and bravest police officers and firefighters who were willing to run into a collapsing tower on September 11 knowing what we didn't know, knowing that the radios on their hips were not going to work. But they ran in the building anyway. Those police officers are on their way right now to help the city of New Orleans. And I want to thank the Senators from New York, the delegation from New York, for sending them.

Cities, suburbs, and States across the Nation have welcomed our citizens as their own. Senator LINCOLN told me yesterday on the phone, ''Mary, send them north. As soon as they cross the borders, I've got them in my arms.'' I thank Senator Lincoln and thank all the Senators that have called.

And so, if it is possible that my heart is a little heavy today, I've seen more in the last 2 weeks than in my entire life, and I hope never to witness it again. But while my heart is heavy, my heart today is also lifted with gratitude for my fellow Americans.

Of course, already some in Washington are pointing fingers at State and local officials—officials who had little more than just the good sense that God gave them while trying to save everyone that they could, all amidst criticism that they have had to bear from other government officials.

In this Chamber alone, every one of you voted the other night to send billions of dollars of aid and assistance. As HARRY REID said earlier today, it will probably cost us a lot more. I am sorry I could not even report to you an accurate estimate of what that might be, but I predict it will be over $200 billion.

As I stand here today, Senator VITTER, my partner, remains in the State to continue assessing damage. He has been a steady voice through this, and I want to acknowledge him.

This unprecedented catastrophe will require unprecedented support. I am concerned today because our Nation, our national government failed in its greatest responsibility, and that is protecting the lives of Americans. I am not saying the military failed, or the Coast Guard failed and most certainly not the National Guard that was there before the storm hit and is still there.

Let me talk a minute about my National Guard. Eight thousand of them have already been to Iraq and back, not once but twice. Three thousand of them are scheduled to come home in September. The Governor and I and Senator VITTER were planning a homecoming for them. They are going to get quite a homecoming because many of them are from south Louisiana, and they don't have houses to come home to. I am here to tell you, that while

they may not have houses, they do have a home. We will do the best we can, and General Landreneau is well aware of the situation with his men and women on their way back from Iraq to hold their families tight.

We must learn from this experience. If we do not, we will fail again.

I have learned more in 2 weeks than I could ever have hoped to learn. I am going to continue to learn, and I ask the Senators to open their hearts and minds and learn. We don't ever want this to happen to any other city or any other place in this country for as long as we are on this Earth.

It is not true that Louisiana was not prepared. Surely we could have done a better job in every case, but our evacuation plan—and I want to give credit to the Governor of Mississippi and the Governor of Louisiana—Haley Barbour and Kathleen Blanco, who have been planning since Hurricane Ivan struck a year ago where everyone got stuck on the interstates and the back roads, those two Governors worked out a plan because we share a highway. We don't have a Louisiana highway that goes north and a Mississippi highway. We share our highways, and those Governors made a plan to get everybody out, and it worked as well as something like that can work. We had 2 million people approximately to evacuate in about 2 days. We got a lot of people out.

But when the storm hit and the levees broke, our calls went unanswered. In years past, our bills have languished here on the calendar. Money we requested before has been postponed year after year, year after year. I don't even want to talk to my colleagues about coastal erosion. They have heard it from me so many times and from everybody in the Louisiana delegation. They can give that speech better than I can.

But I will tell you one thing about our Federal Government. Our Federal Government, whether it was FEMA or this administrator or former administration or us, gambled that the predictions that countless experts voiced time and time again were mere rhetoric. They gambled that no one would notice if Louisiana's critical and vital role in our national economy was threatened.

And Washington rolled the dice and Louisiana lost.

I cannot stand here today and tell you that if all the money we had asked for, if it would have kept the levees up, but I can tell you that it would have given us more protection than we had.

Nor can I say with certainty that full funding for restoring our coasts would have protected those who perished in St. Bernard or in Jefferson or Washington parish or the counties in Mississippi and Alabama. But I can assure you that we would have had at least had a fighting chance. And I intend to find out just how much of a fighting chance we would have had.

And I intend to find out why the Federal response, particularly the response of FEMA, was so incompetent and insulting to the people of our States.

Already some in Washington are pointing fingers that something is wrong with my state and local officials, and if they would have been a little smarter, a little tougher, a little braver maybe this could have been avoided. This hurricane was a category four. It was one of the worst storms we have seen in this century. The eye of the storm went right over Slidell, LA. Waveland, MS, I understand from Senators COCHRAN and LOTT, is gone. Biloxi is quite damaged, and that is where the storm came.

I am sorry we couldn't do anything about that, but I want you to know the people of our States have survived storms before. That was not what put us under. It was the levee systems that broke in New Orleans, a city that invented the gravity pump, a city that helped the Dutch secure the Netherlands and sent our engineering to Venice to keep that city floating. We invented those pumps in south Louisiana. We know about pumps. HARRY REID's seen them himself.

We know that the head of the National Hurricane Center said that he briefed the President of the United States on the threat of Katrina in a video conference call the day before she hit land.

We know the President said, quote, I don't think anybody anticipated the breach of the levees. Everybody anticipated the breach of the levee, including computer simulations in which this administration participated. Even the clay figurine, Mr. Bill, from ''Saturday Night Live'' anticipated the breach. His creator, a friend of mine, has used him in public service announcements for over 2 years, saying this will be the effect if this happens. How can it be that Mr. Bill was better informed than Mr. Bush?

We know the Secretary of Homeland Security pronounced himself, quote, extremely pleased with the response of every element of the Federal Government, even as the cable news networks were broadcasting images telling how he was so tragically wrong.

We know that FEMA was unaware that 20,000 Americans were stranded at the Convention Center without food, without water, without security, without clothes, without buses, without toilets and with no way out, and I had to stand there and listen to the news media say these people were lawless. These were mothers and fathers trying to find water for their kids. I might have been a little upset under the circumstances myself.

We know that someone has to be accountable. Let me be the first to take any blame that is to be assigned.

I will not allow my local officials to be made into scapegoats for others. I will not allow carping from those who were not there to diminish my Governor, my Lieutenant Governor, who happens to be my brother, who spent 3 days in a rescue boat, despite the pleas of his own wife, his sister, his mother and father not to go. He went anyway, and he lifted both the living and the dead out with his own hands.

Within 24 hours of the storm hitting the Gulf Coast, Senator FRIST called and Senator REID called. I appreciate so much that they were right there. I tried to reach THAD COCHRAN; he tried to reach me. I tried to reach TRENT LOTT. And DAVID VITTER and I were together the whole time, but we couldn't get through on our cell phones. I know they called, and I thank them very much.

The record for rebuilding costs will be staggering, but it will pale in comparison to the staggering incompetence of this national government which is responsible.

Black people suffered, White people suffered, poor people suffered, and rich people suffered. The whole city is under water on the east bank. The wealthy neighborhoods have 10 feet of water, and the poor neighborhoods have 10 feet of water. Water does not know boundaries. It doesn't know demographics. It doesn't know Democrat or Republican. It doesn't know to stop at rich neighborhoods. It doesn't know just to go to poor neighborhoods. It goes everywhere. And there are wealthy people who are desperate. They don't know how to restart their businesses and keep their employees paid. They have no idea where to put their businesses. Do they leave the state? Do they go to Atlanta? Do they come back? What do they do with their wife and children? Do they take them and put them to school in Atlanta, or do they set their businesses up on the highest ground they can find?

The poor people are very disoriented. They have a hard time normally and they are having a real hard time now.

I want to say a special word of thanks personally to Ted Koppel for the beautiful piece he did last night, because I haven't been able to watch much television myself, but I got to see his piece. And we need journalists like that. I kept thinking, where's Walter Cronkite, and all I had was Geraldo Rivera.

I want to personally thank my family, my parents, my children, who evacuated with me that morning.

And the final word is this to the President: Mr. President, we need you. We need your help. The last time I shook the President's hand he looked at me and he said, ''Senator, I appreciate your passion.''

And I said, ''Thank you, Mr. President, because passion is what we need.''

He said, ''I'm sorry you lost your childhood home. I know that's upsetting to you.'' I want to be clear for the record in that piece that you all saw with me with George Stephanopoulos. I was not crying in anguish because the home that I walked out of with my children was gone. I knew it would be gone when I left. It was an anguished cry, a plea to the only one that I thought could hear, and that was God

himself, and I know he has heard, because the people of my state have cried out to him for now over a week and a half. But as he gives us the grace and the wisdom to do our job, I hope we can do it well because there are hundreds of thousands of families who are depending on us to do our best work.

Today we are going to rebuild New Orleans and the coasts of Mississippi and Alabama because America needs New Orleans right where it is, as well as the parishes of St. Bernard, St. Tammany, Orleans, Jefferson, and Plaquemines, and Hancock, Harrison and Jackson counties in Mississippi; and Baldwin and Mobile counties in Alabama.

The gulf coast region of our Nation is simply too important to be left for dead. One of the founding geniuses of our freedom, Thomas Jefferson, understood that. Two hundred years ago he purchased Louisiana—then it stretched from the Mississippi to the Rocky Mountains. And that purchase put us on the road to greatness, from sea to shining sea.

It is an energy coast. It was put there for a reason. We did not go there to sunbathe. We went there to set up the Mississippi River, to tame that river, to create channels for this country to grow and prosper. The Higgins boats that saved us from World War II were built in New Orleans. Forty-three thousand people built those boats and headed them out to Normandy. We are going to rebuild our shipping industry, we are going to rebuild our maritime industry, and we are going to rebuild this great gulf coast of the United States.

I ask unanimous consent have printed in the RECORD a letter dated September 7, 2005.

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

U.S. SENATE,
Washington, DC, September 7, 2005.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
Washington, DC.
Hon. HARRY REID,
U.S. Senate Minority Leader,
Washington, DC.

DEAR LEADERS: As the U.S. Senate begins work on further Hurricane Katrina relief and rebuilding legislation, we write to implore both of you to do everything in your power to ensure it is done in a spirit and through a process that is fully bipartisan.

Now, just nine days after this devastating storm hit, we have already detected some troubling signs in Washington and in the Senate. There are signs that some might try to maneuver in the debate on relief legislation specifically for partisan gain. We view any such attempt as abhorrent and injurious to the already suffering victims of the hurricane.

We implore both of you to lead in a completely different direction. This must be done not only through words and symbols but by developing all relief legislation in a fully bipartisan way.

The Senate has always acted this way in the past in developing disaster relief legislation, whether to address 9/11, Hurricane Andrew, or a myriad of other challenges. The need for this method of action and leadership is even greater now.

There is no question that there were mistakes made and lessons learned from this tragic experience. The Senate will have ample time to thoroughly investigate this event, and we plan to play a major role in these investigations. Now, all of our resources and efforts should be dedicated to the rescuing of victims, providing food, shelter, employment, education and healthcare to the victims of Hurricane Katrina. We must also begin laying the groundwork for the long-term recovery and re-building of our great state. Please do not make the citizens of Louisiana a victim once again by allowing our immediate needs to be delayed by partisanship.

In these past situations, committee chairmen and ranking members always developed legislation together and it passed with near unanimity.

Thank you for your leadership and your attention to this vital plea.

Sincerely,

MARY LANDRIEU.
U.S. Senate.
DAVID VITTER.
U.S. Senate.

Mr. LEAHY. Mr. President, as ranking member of the Subcommittee on Research, Nutrition, and General Legislation of the Agriculture, Nutrition and Forestry Committee I am today introducing a bill with Senator HARKIN, the ranking member on that committee, to provide additional emergency food assistance in response to the devastation caused by Hurricane Katrina, and the flooding in the aftermath of that massive storm. It is very similar to the efforts of Senator LANDRIEU and Leader REID but it just focuses on food assistance.

This legislation will provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina.

While thousands may have perished in America's largest natural disaster, we must turn to the living to do what we can to help. I am especially troubled by the horror stories I have heard about the treatment of the elderly. It was almost impossible to watch the images on television.

Another terrifying image was of children separated from their parents, trying to survive on their own. The most gruesome was the bodies floating in black water.

In the Federal response to this national catastrophe there is a bright spot.

The U.S. Department of Agriculture has done a good job. FEMA gets an ''F,'' in contrast. In fact, I heard today on NPR that the Navy was not given the go-ahead by FEMA to send ships with hospital facilities down to New Orleans and that senior naval officers were very frustrated that they could not help earlier.

In contrast, USDA has quietly and efficiently assisted thousands of displaced persons. Secretary Johanns, Deputy Secretary Conner and Under Secretary Bost have done a great job within the limitations of their authority. They responded immediately.

I also appreciate the work of the Food and Nutrition Service within USDA. I thank them.

This bill provides USDA with additional funding to continue its efforts and gives USDA some additional authorities regarding the food stamp program and child nutrition programs. Our effort on this legislation should be taken as a supplement to what they are already doing, and an enhancement of their authority.

USDA is not only helping in areas which will need to be rebuilt, but they are helping those families who have been displaced and been forced to move.

There has been a huge outpouring of sympathy from every corner of every county in my home State of Vermont. In addition to the assistance already provided, Vermont stands ready to help the displaced families, the unemployed workers, the distraught children, and the destroyed communities.

This bill was written to be referred to the Agriculture, Nutrition and Forestry Committee where nutrition bills have always been handled in a bipartisan fashion.

I look forward to working with all the Senators on that committee.

Chairman CHAMBLISS has tackled every issue the committee has faced this year in a direct and effective fashion and I look forward to working with him, and all members of the committee, on an emergency food assistance package that goes to the White House for signature.

I know that he and his staff have been coordinating with USDA and that Senators on the Committee will, of course, work with Senators from all of the affected States on any advice or changes that are appropriate. Some of the provisions in the bill are modeled after ideas that worked well in responding to Hurricane Andrew where, once again, USDA was commended for handling the emergency very well.

This bill is a starting point, not an end point. I know that, but I wanted to get the ball rolling to have language to run by my colleagues who represent areas demolished in this disaster. I want to thank Senator REID and Senator LANDRIEU for coordinating with Senator HARKIN and me on this matter.

All the Senators in the affected areas have been working day and night on trying to get aid to those in need, whether from local, State, charitable, non-profit or Federal Government sources. I will continue to work with all of them.

I ask unanimous consent that a summary of Hurricane response to food stamps and food assistance be printed in the RECORD.

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

SUMMARY OF HURRICANE RESPONSE/FOOD STAMP AND FOOD ASSISTANCE RESPONSE

THE FOOD STAMP PROGRAM

This proposal would provide USDA with additional funding and authorities to provide

a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. It would improve the Food Stamp Program's response to Hurricane Katrina. It generally would expire no later than the end of federal fiscal year 2006. The President would have the authority to terminate its provisions earlier if conditions improved. The proposal would target three groups of low-income households: those living in areas Katrina hit, those that lost jobs in the disaster area, and those relocated from the disaster area to other parts of the country.

The proposal would incorporate the terms of USDA's Hurricane Katrina disaster relief policy for the period specified above:

States must act within seven days on all food stamp applications from affected households.

Households doubled up with friends or relatives could apply for food stamps on their own.

Work requirements and the three-month time limit on childless adults regarding finding a job would be suspended for disaster victims.

The legislation would expand food stamp assistance to disaster victims:

To account for higher food costs for people in disaster areas and people displaced by Hurricane Katrina, the maximum benefit provided through the food Stamp Program is increased by 10 percent.

The gross income limit for disaster victims would increase from 130 percent of the poverty line to 150 percent. This would help disaster survivors that suddenly incur high shelter costs when, for example, they temporarily live in a motel. (The net income limit would remain at 100 percent of the poverty line to ensure that only low-income people receive food stamps.)

All vehicles of disaster survivors, both those that they have with them and those they left behind, would be excluded from determining the household's resources.

For one year, all vehicles and bank accounts would be exempt from the $2,000 resource limit in recognition that households are facing many extraordinary expenses and should not be required to spend down to $2,000 when their savings may have to last them until they can find new jobs. In addition, disaster relief aid from federal, state, or local governments, charities, insurance settlements, and other sources would not count as resources.

Assets owned by a household, but which are currently inaccessible to the household due to the emergency, will not be counted for purposes of determining food stamp eligibility. for example, a family should not be rendered ineligible because of a house or car the family had to leave behind in the disaster area.

Food stamp benefits would not be prorated for the month based on the date the household applies. Under disaster conditions, families' applications may be postponed through no fault of their own. During this time, the families are forced to spend their scarce funds on food and remain just as needy as families that were able to get a ride to the food stamp office sooner.

The legislation also would streamline procedures for aiding affected households by:

Having the federal government assume 100 percent (rather than the usual 50 percent) of the administrative costs of serving disaster victims. State expenses to address the range of issues presented by these disaster victims are rising constantly and this change will assist states in their time of need.

Encouraging states to work aggressively to serve affected households by excluding any errors in applying disaster procedures from error rate calculations.

Waiving any claims for inaccurate issuances to affected households except in cases of fraud.

Requiring USDA to work with states to eliminate duplication between households initially certified for food stamps in their home state that are then relocated to a different state. Except where someone deliberately lies to get double benefits, displaced persons would not be required to keep track of which food stamps they received from which state while this overlap is being resolved. Recipients should be encouraged to spend food stamp benefits to feed their families even when they are uncertain about the status of their cases. This is particularly true since overburdened state food stamp agencies may be ill-equipped to answer their questions.

THE EMERGENCY FOOD ASSISTANCE PROGRAM AND COMMODITY DISTRIBUTION

In terms of immediate emergency relief, food stamp receipt may, in some cases, not be the most timely form of assistance that a family may access. Emergency commodities may be a faster and more efficient manner by which to provide immediate food assistance through food banks, food pantries, and congregate meal sites. In order to provide USDA with sufficient funding by which to provide emergency funding, this food assistance emergency package includes;

$200 million for The Emergency Food Assistance Program (TEFAP), to be spent either on commodities or for transportation, processing, and administrative costs.

$200 million for USDA to procure bulk commodities using Section 32 authority.

$20 million for USDA to replenish Commodity Supplemental Food Program commodity stocks destroyed by Hurricane Katrina.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

To allow for unexpected increases in WIC caseload as well as the possibility of rising food costs in the WIC program, this package provides $200 million dollars (available October 1) for the WIC program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TO ALLOW UNITED STATES COURTS TO CONDUCT BUSINESS DURING EMERGENCY CONDITIONS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1634 and H.R. 3650, en bloc.

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

The clerk will report the bills en bloc.

The assistant legislative clerk read as follows:

A bill (S. 1634) to allow United States courts to conduct business during emergency conditions, and for other purposes.

A bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. SPECTER. Mr. President, I seek recognition to support legislation that is urgently needed in light of the devastation caused by Hurricane Katrina. This legislation would authorize Federal circuit, district, and bankruptcy courts to conduct special sessions outside their respective boundaries in times of emergency. Currently there is no authority in the law for Federal courts to hold session beyond their geographical districts.

The need for such authority initially became apparent following the terrorist attacks of September 11, 2001. Those attacks seriously impaired Federal court operations in New York City at the time. Court facilities available in nearby districts, such as New Jersey, could have alleviated the disruption in court services, but the authority provided in this legislation did not exist.

The recent impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi has heightened the urgency of congressional action on this proposal. When emergencies, whether they be natural disasters or terrorist attacks, make shifting court operations to other court facilities within the affected district impossible, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, litigants, jurors, and the public.

The widespread flooding and vast destruction caused by Hurricane Katrina has created precisely this scenario. All of the Federal court facilities in the Eastern District of Louisiana are severely damaged and will not be available for a significant period of time. Courthouses have roof and window damage, extensive water infiltration, and no electrical power. Senior court management are meeting in Lafayette to discuss finding viable and possibly long-term alternative sites for court operations for that entire district, but such alternative sites most certainly must be outside the geographical boundaries of that district.

Federal courts in the Middle and Western Districts of Louisiana are expected to remain open for business and possibly could provide temporary courtroom facilities, and the judiciary will be exploring these and other possibilities if given the authority proposed in this bill.

In the Southern District of Alabama, seawater has flooded the basement of the Mobile, AL, courthouse, and debris is scattered throughout the grounds. The court does not know when that facility will become operational again, and this court too, may have to be temporarily relocated outside of the district. Similarly, in the Southern District of Mississippi, seawater has flooded the Gulfport facility, and communications and electrical power are down. Court operations in the Gulfport area have been shifted within that district to the court facility in Jackson, MS.

The Fifth Circuit operations in New Orleans are completely closed and will

remain so for the foreseeable future. In the meantime, the judiciary has undertaken efforts to determine how much of the Fifth Circuit operations in New Orleans can be shifted within the circuit to Houston, and for what period of time.

The Federal courts in these areas devastated by Hurricane Katrina simply must be able to shift court proceedings temporarily into a neighboring district. Without this legislation, the Federal criminal justice system risks grounding to a protracted halt throughout the gulf region at a time when it is needed most. This legislation is needed now to avoid undue delay in bringing criminals to swift justice and resolving civil matters important to private citizens, especially bankruptcy proceedings in anticipation of an increase in bankruptcy filings in Hurricane Katrina's wake.

The need for this bill was brought to my attention by Judge Edward Becker of the Third Circuit and his colleagues at the Administrative Office of the Federal Courts and it enjoys their strong support. This bill is supported by my Democratic colleague, Senator LEAHY, as well as Senators from the States ravaged by Hurricane Katrina. Since this bill is noncontroversial and clearly urgent, it is my hope that it can be passed by unanimous consent before the end of business today.

Mr. LEAHY. Mr. President, the devastation wrought by the Hurricane Katrina to New Orleans and the gulf coast is not yet fully known. As the fate of thousands of our fellow Americans remains uncertain and the lives of many have been uprooted and the livelihood of many others affected, we must do all we can to assist those still suffering.

During this time of crisis, one thing we can do is ensure that the Federal courts in these afflicted regions continue to function. I worked with Senators LANDRIEU, VITTER, and Chairman SPECTER, Chairman SENSENBRENNER and Congressman CONYERS to respond to a request from the Judicial Conference for additional authority to conduct court business outside the traditional territorial jurisdiction of a court. I thank them for including in this bill important reporting and accountability requirements.

In implementing this legislation, I want to be sure that we work with the court, the Judicial Conference, and the Justice Department—but also with the local bar and others who will be most directly affected by the invocation of the authority this legislation would grant.

Mr. FRIST. Mr. President, I ask unanimous consent the bills be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD.

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

The bill (H.R. 3650) was read the third time and passed.

The bill (S. 1634) was read the third time and passed, as follows:

S. 1634

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Judiciary Emergency Special Sessions Act of 2005''.

SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) CIRCUIT COURTS.—Section 48 of title 28, United States Code, is amended by adding at the end the following:

''(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

''(f) If a court of appeals issues an order exercising its authority under subsection (e), the court—

''(1) through the Administrative Office of the United States Courts, shall—

''(A) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

''(B) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

''(i) the reasons for the issuance of such order;

''(ii) the duration of such order;

''(iii) the impact of such order on litigants; and

''(iv) the costs to the judiciary resulting from such order; and

''(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.''.

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by inserting ''(a)(1)'' before ''Special'';

(2) by inserting ''(2)'' before ''Any''; and

(3) by adding at the end the following:

''(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

''(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside of the State in which the crime has been committed unless the defendant consents to such a criminal trial.

''(3) Notwithstanding any other provision of law, in any case in which a special session is conducted pursuant to this subsection, the district court may summon jurors—

''(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which the court is holding a special session; and

''(B) in criminal trials, from any part of the district in which the crime has been committed and, if a defendant so consents, from any district in which the court is conducting business pursuant to this subsection.

''(4) If a district court issues an order exercising its authority under paragraph (1), the court—

''(A) through the Administrative Office of the United States Courts, shall—

''(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

''(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

''(I) the reasons for the issuance of such order;

''(II) the duration of such order;

''(III) the impact of such order on litigants; and

''(IV) the costs to the judiciary resulting from such order; and

''(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.''.

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by adding at the end the following:

''(2)(A) Bankruptcy judges may hold court at such places within the United States outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court.

''(B) Bankruptcy judges may transact any business at special sessions of court held outside the district pursuant to this paragraph that might be transacted at a regular session.

''(C) If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court—

''(i) through the Administrative Office of the United States Courts, shall—

''(I) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

''(II) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

''(aa) the reasons for the issuance of such order;

''(bb) the duration of such order;

''(cc) the impact of such order on litigants; and

''(dd) the costs to the judiciary resulting from such order; and

''(ii) shall provide reasonable notice to the United States Marshals Service before the

commencement of any special session held pursuant to such order.''.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking ''territorial jurisdiction prescribed by his appointment—'' and inserting ''district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—''.

Mr. FRIST. Mr. President, for the information of colleagues, the bills, as stated, S. 1634 and H.R. 3650, are to address the issue of responding to the emergency of the national disaster which has occurred and in some ways is ongoing in the Gulf States. This allows our Federal court system to continue its operation. This legislation requires it to do so. This likely will be among a series of bills we will address over the coming days and weeks that respond to the disaster itself and to service the victims of that disaster, the people who are still in that coastal area of Louisiana and Mississippi and Alabama, to the victims who have been displaced, and to help volunteers and those people who are pitching in around the country, both government and private sector, as we come together to respond to this disaster that may well be the largest natural disaster we have seen in the last 100 years.

The pending legislation is the Commerce, Science, and Justice appropriations bill. In this bill, as has been discussed, are a number of provisions related to Katrina and our response to Katrina, things such as the small business disaster loans.

We will be, in fact, on that bill shortly, and the chairman will be here. I encourage Members to come over and talk to the chairman and ranking member. We want to move expeditiously with this appropriations bill, in part, because it does have Katrina-related issues in it. I would love to be able to finish this bill this week, if at all possible.

Second, just for the information of our colleagues, the House will pass, at some point today or this afternoon, our second supplemental request to respond to this disaster. We have passed a $10.5 billion bill in an urgent emergency session last Thursday night. The Senate addressed it. This will be a second supplemental. As most know, it is more than $50 billion, a very large sum, but that is the appropriate sum, as a second phase, as determined by our appropriate personnel and staff.

The House will pass that later today. Once they pass that, it will come to the Senate either this afternoon or this evening. I want to make sure our members know we will have rollcall votes today. It may well be tonight, but we need to pass the supplemental as soon as we possibly can.

Ms. MIKULSKI. Mr. President, this side of the aisle concurred when the majority leader offered the unanimous consent allowing the Federal court to do their business outside of their jurisdiction. It is the people's business. How fitting we have the wheels of justice providing that flexibility. I am sure there will be other legislation; we hope it all goes as smoothly.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

Ms. MIKULSKI. For the Commerce, State, Justice appropriations, we are now waiting for the chairman to give his statement. We will correct some technical amendments. We are urging colleagues to come and offer amendments. We know of six on our side of the aisle. We are doing our best. We would like to be able to finish this bill today, but if we start offering amendments at sundown—sundown is a great cocktail party, but that is not a great way to do appropriations. So we really want to do this bill because it funds the FBI, it funds the Justice Department, it funds important help to the FEMA victims. We would like to move it along.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I first compliment my colleagues, Senator MIKULSKI and Senator SHELBY, for doing such a fine job and for the hard work they have done on a very important issue. I compliment my colleague and neighbor from Tennessee, Senator FRIST, for working so diligently to get the supplemental emergency appropriations bill over here so we can help our neighbors in the delta region, in the Midsouth, lower Midsouth region. And I again compliment my colleagues from the States of Mississippi and Alabama and Louisiana for their incredible passion and concern, as well as their hard work and their diligent efforts in responding to the needs of their constituency.

Sitting here on the Senate floor listening to my colleague from Louisiana, Senator LANDRIEU, I thought so desperately about some lessons I had learned growing up along the Mississippi River. My father was very emphatic about how important it is to not only have good neighbors but to be a good neighbor, how critically important it is that you have good neighbors that can help you raise your children, educate them, to help out with a cup of sugar or other needs you might have at the end of the month if you do not have enough, to make sure if you are trying to harvest your crops—as many of our farmers are right now—and you find out that to diligently get those crops out of the field you may not have enough hands or equipment to do that, that you can look to your neighbor to help you do that and others things.

I think during times like these, as we look to our neighbors from Louisiana and Mississippi and Alabama and the needs they have, it is important for us—as we have been the recipient of their generosity and their camaraderie and fellowship—to understand how important it is for us, as neighbors, to be the good neighbor they have been to us and welcoming their constituency into our homes in Arkansas, to help provide them not only the necessities of life—the water, the food, the rest, the shelter, the clothes—they might need right now in such a difficult time but also to provide them the hug, the love, the comfort, the stability, the idea that we will be there with them, we will be there for them, as long as they need us.

That is why I come to the floor of the Senate today. As Senator FRIST has mentioned, bringing an emergency supplemental appropriations bill over is really critical. But as many of us know who have worked diligently on so many of the components of our Government—that provides assistance and aid as well as just everyday services to the people we represent—it is very important to enable these agencies, these providers of services the language and the ability to use these dollars as efficiently, as effectively, and as quickly as they possibly can be used in reaching the needs of our fellow Americans whose lives have been shattered.

AMENDMENT NO. 1652

(Purpose: To provide for temporary medicaid disaster relief for survivors of Hurricane Katrina, and for other purposes)

Mr. President, I wanted to wait until the Senator from Alabama had come to offer an amendment, but I do rise today to offer an amendment to respond to the dire health care crisis that has been created by Hurricane Katrina.

Hurricane Katrina has created a crisis of epic proportions for our Nation but particularly in the Midsouth region. It is a humanitarian crisis for the people of Louisiana, Mississippi, and Alabama. It is a capacity crisis for hospitals, for clinics, and community health centers, for physicians and nursing homes that are bursting at the seams with a surge in demand for care, mostly emergency care, mostly dire care, that has been evidenced by not only those who have been victimized by the dangerous natural elements but also by those who have been removed at a moment's notice from their homes where they have left their insulin, perhaps, or their high blood pressure medicine or other things that allow them a quality of life and a sustainability of life on a day-to-day basis.

It is a fiscal crisis for the States directly affected as well as those which have welcomed the displaced survivors, including Arkansas, Florida, Oklahoma, Texas, and so many other States. When New York City faced a

similar set of crises after 9/11, the city turned to Medicaid, the Federal-State partnership of health care for the poor, to provide temporary coverage for victims of the tragedy. Our Nation's health care safety net met the needs of millions of New York families, ensuring them access to comprehensive health care services.

Current law restrictions on Medicaid eligibility impede our efforts to let Medicaid provide a safety net for Katrina's victims. Under current law, low-income individuals must be residents of a State in order to qualify for Medicaid coverage in that State. Once the individual is determined eligible and enrolled in Medicaid, Federal and State Governments share in the cost of purchasing medically necessary services from hospitals, clinics, and other providers. The amount the State pays varies from State to State—from 29 percent in Louisiana to 39 percent in Texas to 50 percent in the State of Virginia.

Katrina has displaced tens and perhaps hundreds of thousands of citizens of Louisiana, Mississippi, and Alabama who have lost everything and who will not be able to return to their homes until their communities are rebuilt. We are looking here to put into place some commonsense directives, some flexibility to allow these individuals to be able to access the kind of health care we in this Nation know they need and as Americans we want to provide.

These citizens cannot return to their homes and may not return to their homes for months, but under current Medicaid law, they are only eligible for benefits as residents of their home State. Under current law, Medicaid services can only be provided if the State puts up its own money for the match for the survivors, but the States directly affected by Katrina and those hosting the survivors will not be able to put up their match payments due to the fiscal crisis Katrina has created. This could put Medicaid coverage for our Nation's neediest individuals in jeopardy.

We want to prevent that from happening. We want to assure our providers and those in the communities who are there to wrap their arms around their fellow Americans—their neighbors, many of them to the south or to the east or wherever their neighbors from Louisiana, Alabama, and Mississippi have come from—that the Federal Government has the common sense and the wisdom to be able to provide these services with the flexibility and without the redtape that in many instances would cause providers to turn them away.

In the face of the public health, and State budget crises Katrina has created, current law is not plausible. If normal application procedures apply, the displaced survivors will face delays in establishing their eligibility for Medicaid. The providers serving them during these delays will not be reimbursed until after eligibility is established and may not receive reimbursement for their services at all. And for many of us from States that already have a disproportionate share of low-income individuals who depend on Medicaid services, this could be detrimental to not just those who are surviving Katrina but those who are hosting those victims and those survivors as well. The host States could incur large, unexpected increases in their Medicaid costs at the same time their revenues are reduced by the economic dislocation caused by Katrina.

What we are looking for here is something very similar to what we did in New York—to try to provide that flexibility that is needed, streamlining those services, and, more importantly, making sure the paperwork is not the mountain of paperwork that so many are used to but that they are simplistic and something that can expedite getting the needs of these individuals met.

This is a critical issue that has to be addressed immediately. Our States and our fellow Americans deserve it. To address these crises, I have proposed the temporary disaster relief Medicaid amendment.

The amendment, just briefly, is as follows:

It would provide the Katrina survivors with health coverage through Medicaid wherever they find refuge. A simplified eligibility and enrollment process would be created for people from Federal disaster counties in Mississippi and Alabama and Federal disaster parishes in Louisiana. It would be extended to those who live in those States and who have lost their jobs since the Hurricane Katrina crisis has happened. This, again, is something very similar to what we did in New York after 9/11. Using what we have learned there, we want to expedite these services for the victims today.

We want to make it easy for health providers to care for Katrina survivors. Once enrolled, Katrina survivors who are in other States would receive Medicaid as though they were Medicaid enrollees in that very State. Medicaid would also temporarily finance people's private insurance if they have access to it. This means no new systems or rules for health care providers so they can again rest assured that they are providing these services and will still be able to maintain their wholeness in providing services to their own communities.

It would guarantee Federal funding for health care for Katrina survivors. The Federal Government would fully finance the cost of providing Medicaid to Katrina survivors in any State in which they are enrolled. Additionally, the scheduled decline in some States' Medicaid matching rate for fiscal year 2006 would be canceled.

Mr. President, you may be certainly well aware, as many of us are here in the Senate, that the Federal matching rate was due to change as of October 1 of this year. We want to make sure we extend, for those who are affected, the current Federal matching rate in order to be able to maintain their wholeness and for those to be able to continue to offer their services, as a good neighbor wants to, to those victims of this crisis. This would continue for 6 months, with a possible extension for another 6 months if the need exists and continues.

It would also ensure a smooth transition to the Medicare drug benefit for Katrina survivors. In addition, parts of the implementation of the drug benefit would be delayed in States directly affected by the hurricane, along with their neighbors. Specifically, the transition of ''dual eligibles'' from Medicaid to Medicare—as well as the ''clawback'' payments, which we discussed at great length when we did the Medicare reform package—would be temporarily suspended to prevent survivors from losing their drug coverage. We have tried—and I know I have in my own home State, having supported the Medicare reform package—to make sure the information is out there for the elderly and the disabled and those who use Medicare as to what their opportunities and options are through Medicare, particularly the new Part D Medicare drug component.

For the low-income, there is an incredibly good component of the Medicare drug piece in the Medicare reform package. All of these are available, but they do have deadlines. They do have deadlines. The enrollment begins on November 15 of this year. Those who do not enroll in a drug plan by May 15, 2006, this coming spring, will see a premium penalty. Many of us have learned, as we have delved into Medicare over the years, that those others receive premium penalties if they don't sign up for Medicare on time. We want to make sure those kinds of penalties don't exist for victims who find themselves not only displaced from their families, their homes, their regular medical providers, but also all of their information, their documents, the kind of information and certainly the normalcy of life that allows one to go through that kind of paperwork and try to make the best decisions possible.

The requirement of proof of assets for the low-income drug benefit would be delayed. As we know, many of these individuals have no idea if their old job will be there; will there be a new job; how long it will take for these businesses to rebuild, to replenish, to be back in action. There are so many who are dealing with so much unknown. It is certainly our responsibility, not only as legislators but as fellow Americans, to recognize they need time. They need time and flexibility to work through these issues and to access the programs that we have very carefully designed to fit their needs.

The penalties for not immediately enrolling in Medicare and its drug program would also be temporarily suspended. Providing this assistance—certainly the dollars Senator FRIST spoke of, the ability to make sure that the

victims, our fellow Americans who have gone through such atrocities, and the health care providers in the communities who want to be there to serve them, making sure of the technical parts of this recovery—is our responsibility. I hope the managers of the bill will understand how important it is for us to move quickly to ensure that those who are providing the relief and those who are receiving it can take it with great comfort levels that they won't have to deal with the bureaucracy but that they will be dealing with a compassionate Federal Government that understands the necessity of making this process more streamlined and more accessible.

It is not only the right thing to do; it is what we must do to ensure that our Nation's safety net does not unravel in the face of this growing national emergency. We still have the precautions in here. We still have the fraud and abuse precautions that exist in our current law. We just want to make sure that our fellow man, our fellow Americans, in a time of dire need, as has been described eloquently by Senators from those States who have been there with these individuals, for those of us who are from States where they are coming, seeing these individuals coming in—we had a group come in through Fort Chaffee, AR, almost 10,000 evacuees processed in about a 12-hour period, all of whom came with what they had left in a plastic sack, perhaps, who had been sitting on buses for almost 2 days while people figured out where they should go, what they should do, where they should be sent, who should be taking care of them. We don't want that to happen in their medical care and in their access to the kind of things that we know they are going to need now and they are going to need in the coming weeks and months.

I hope we will do our homework quickly. I urge my colleagues to support this amendment to create temporary disaster relief Medicaid today. I ask them all to think about how they would feel, many of whom have experienced it. Senators from Alabama and Mississippi and Louisiana who have lost their homes and have found their family members displaced can understand how heavy the hearts are of our fellow Americans who have been victimized by this incredible storm. We, in our way, can help in bringing down the wall of bureaucracy and redtape to allow them the helping hand that we can provide.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1652.

Mrs. LINCOLN. I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mrs. LINCOLN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased to present to the Senate the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2006. Since August 25, our Nation has been gripped by the devastation and destruction left in the wake of Hurricane Katrina. We have all watched in horror as this category 4 hurricane ravaged an entire region, and each of us share in the sorrow of those who have lost their lives and their livelihoods. I am confident that the strength of the American spirit will rise to this challenge and, just as we have many times before, that we can and will recover.

The bill before us today provides funding for many U.S. Government functions that are critical to hurricane prediction, response, and recovery. The Small Business Administration provides low-interest loans to disaster victims to rebuild their homes and businesses. The Economic Development Administration, under the Department of Commerce, can make funds available to distressed communities to help repair their physical infrastructure. Under the Department of Justice, State and local law enforcement assistance grants can help provide relief to gulf coast law enforcement agencies. Finally, the National Oceanic and Atmospheric Administration is one of three lead agencies responsible for researching, forecasting, monitoring, and warning of hurricanes.

It is timely that this bill is being considered on the Senate floor, and I commend the leader for recognizing how important it is to send this bill to the President.

This afternoon, I want to take a moment to provide some general background about the bill before us and the programs it funds. The reorganization of the Appropriations Committee earlier this year significantly changed the jurisdiction of the subcommittee. The newly formed subcommittee has jurisdiction over the Departments of Justice and Commerce, as well as the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies such as the Securities and Exchange Commission, the Federal Trade Commission, the Federal Communications Commission, and the Small Business Administration. The major areas of jurisdiction of the CJS bill are counterterrorism, Federal, State, and local law enforcement, our Nation's economy, regulation of the banking and telecommunications sectors, scientific research, including programs to study the oceans and atmosphere, and our Nation's space program.

In a year when domestic discretionary dollars are scarce, it has been our goal to ensure that the priorities of our Nation and our States are met while remaining within our allocation. I believe we have accomplished those savings wherever possible and that we have allocated limited resources to meet the highest priority programs. These priorities include bolstering our capabilities for fighting terrorism, assisting with law enforcement activities at the State and local level, measuring and strengthening our Nation's economy, furthering scientific research, and reforming and reenergizing our Nation's space program. In the wake of three successive hurricanes last year and now Hurricane Katrina, we have also taken steps to ensure our Nation's ability to predict and monitor hurricanes. And we have done what we reasonably could within our purview to improve our response and recovery capabilities.

The total amount recommended is $885 million above the fiscal year 2005 level at this point in the debate, which is a 2-percent increase. These numbers might suggest that the bill is well below the budget request. However, the bill does not include the proposed Strengthening America's Communities Initiative. The President's budget request for the Department of Commerce included $3.7 billion to implement this new program. The bill before us does not reflect the President's proposal to transfer and significantly reduce these programs.

Another noteworthy aspect of the bill is that it includes an increase of over $1 billion above the budget request for the Department of Justice. This is mainly due to the restoration of the proposed cuts to State and local law enforcement grants. I know the Presiding Officer is very involved in that. The bill also recommends nearly $7.2 billion for the Department of Commerce, including NOAA and NIST, which is an 8-percent increase over last year's funding level. Many Department of Commerce programs were proposed for termination in the President's budget for 2006. Rather than terminating these programs, the bill before us includes funding for the Economic Development Administration, which is so important to every State, the public telecommunications facilities, planning and construction grants, and the Technology Opportunities Program.

In the science title of the bill, we have restored the 8-percent reduction from last year's enacted level that was proposed by NOAA. There is continued frustration among many of my Senate colleagues about the Department's repeated request to reduce NOAA funding. NOAA provides many critical functions to hurricane prediction and warning. Further, our oceans and atmosphere constitute one of our most precious natural resources, and I believe we can all appreciate the importance of both to human subsistence. I believe we should be increasing NOAA's budget, as the bill does, not cutting it.

In addition, this bill provides funding for NASA to move forward with the exploration vision while fully funding the ongoing activities of the space shuttle and the International Space Station.

The recommendation fully funds constellation systems and provides NASA with funds to prepare a servicing mission to the Hubble space telescope. Many of NASA's facilities in the gulf region sustained significant damage from Hurricane Katrina, and we have not addressed those issues in this bill. We expect to address them in the next supplemental spending measure that will be considered.

Finally, in the related agencies title of the bill, we include full funding for the Securities and Exchange Commission, for the Federal Communications Commission. The recommendation rejects a number of proposed program eliminations within the Small Business Administration.

This, overall, is a pretty lean bill. We had to work with our allocation. We had to make tough decisions to get here. I think my colleagues will find that this bill does support core functions and even provides increases where critical. The bill addresses the most pressing needs that were brought to our attention both by the administration and by my colleagues on both sides of the aisle. Overall we believe we have crafted a bill that reflects the priorities of this committee, as well as of the entire Senate.

I take this opportunity to thank Senator MIKULSKI, my friend and colleague, who is the ranking member on the committee. We have worked together this year, as we have in many years, to produce a bill that is fair and forward looking under intense time and budget constraints. I look forward to continuing to work with Senator MIKULSKI on the Senate floor and in the future.

I also reiterate the leader's position, which is that we must act on this bill expeditiously. I urge my colleagues to come to the floor and offer their amendments. I will try to work with them, but let's act in a timely manner. Time is of the essence now.

AMENDMENTS NOS. 1655 THROUGH 1658, EN BLOC

Mr. President, I now send a series of amendments to the desk. I ask that the amendments be considered read and agreed to, the motions to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all of the above occurring en bloc. These amendments have been cleared on both sides of the aisle.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1655

On page 144, line 10, strike "$409,625,000" and insert "404,625,000".

On page 152, between line 20 and 21, insert the following: "United States Travel and Tourism Promotion

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $5,000,000, to remain available until September 30, 2007.".

AMENDMENT NO. 1656

(Purpose: To provide funding and personnel for the National Hurricane Center)

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

SEC. 304. Notwithstanding any other provision of this Act, of the amounts made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES", not less than $5,800,000 shall be made available for the National Hurricane Center and that such amount may be used to employ individuals in 43 full-time equivalent positions at the National Hurricane Center.

AMENDMENT NO. 1657

On page 173, beginning in line 2, strike ": *Provided further,*" and all that follows through "this Act" in line 10.

AMENDMENT NO. 1658

(Purpose: To expand the disaster loans that shall not be sold by the Small Business Administration)

On page 188, line 10, after "Alaska" insert "or North Dakota".

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Iowa.

Mr. HARKIN. Mr. President, I have an amendment to this bill that I will be offering shortly along with Senator SMITH of Oregon, my cosponsor, and cosponsored by Senators BINGAMAN, WYDEN, FEINGOLD, and KENNEDY.

This amendment will increase the amount of money going to legal aid programs across the country from $324.5 million to $358.5 million.

Again, this amendment will throw a lifeline of legal services assistance to people in need.

I point out that this is $4 million less than what the Legal Services Corporation requested in their budget earlier this year. The reason it is slightly less is because we had to do that to get the proper offset for the amendment. Forty-five Members of the Senate, on a strong bipartisan basis, sent a letter to the chairman and ranking member earlier this year seeking the full funding for legal services, which was $362.5 million. As I said, this amendment is $4 million less than what 45 Members of the Senate, on a bipartisan basis, requested earlier this year.

I also point out that 25 percent of the increase goes specifically to those programs providing assistance to victims of Hurricane Katrina.

Even before the devastation and displacement of Katrina, this increase was sorely needed. That is because today, as I stand here, 50 percent of the people eligible for legal services in America are being turned away because the programs simply are underfunded.

Keep in mind, to even be eligible for legal services, one must be below 125 percent poverty. That means for a family of four, you have to have less than a $23,000-per-year income to even qualify for legal services. Again, we are now turning away half of the families in America who need civil legal help who make less than $23,000 a year. That is not justice.

Furthermore, the clients served by legal services are overwhelmingly female. Seventy-two percent of the clients served by legal services are women, most of whom are seeking help with domestic abuse issues, including custody, retraining orders, and safe housing.

Legal services is also the only assistance most low-income women have in getting and keeping safe, habitable housing. It is critical in reducing homelessness among women and children.

In the last 2 years, cuts to legal services programs have resulted in the loss of funding for 200 attorney positions. Every single one of those attorney positions means at least 385 people a year not able to get the legal help they need.

To sum it up, last year, legal services was forced to serve 77,000 fewer people than they did the year before.

The Senate bill before us today, instead of taking a small step to fix this injustice, imposes an additional $6 million in cuts to legal services programs. This is simply unacceptable.

I don't want anyone here to think this amendment we are offering is a drastic fix to the problem. All this amendment does is restore funding for legal services to the fiscal year 2003 level adjusted for inflation. This amendment restores legal services funding to the 2003 level.

If we were serious about providing equal justice under law for all of our citizens and providing the resources that legal services really needs, we would restore legal services to the 1995 funding level of over $500 million a year.

Think about it this way: Since 1995, we have cut legal services, the only civil legal help poor people have in this country, by a third. And need I remind anyone what has happened to poverty since 1995? Has it gone down by a third? No; it has gone up. So poverty has gone up, and we have cut legal services by a third since 1995. Unconscionable.

This, of course, is the picture legal services was facing before Hurricane Katrina. Legal services always plays a critical role in a national disaster, but this disaster will impose more burdens and more challenges than ever before. That is why this amendment devotes $8 million or, as I said, 25 percent of the increase goes to programs directly helping victims of Hurricane Katrina. Again, is that enough? Hardly. This will be a small downpayment on the funding that will be needed, and I hope will be provided, in some of the supplemental funding bills coming down the road.

I heard the majority leader today saying there is going to be a supplemental on the floor today. I don't know what is in it, but there better be something in it to help legal services serve the people displaced. We have to have immediate assistance to these programs to help assist people in the largest displacement in this country since the Civil War. Think about it: The largest displacement of people since the Civil War.

One might say people need food, water, they need clothing, they need shelter, they need schooling. Yes, they need all those immediate needs. But here is why they are going to need legal services immediately, not a year from now.

Let me share with you an e-mail from the State director of the Alabama program, one of the hardest hit States, describing what they will be doing in the next few weeks:

. . . legal services programs are traditionally a critical partner in long-term disaster response. We will be doing everything from trying to clear title for FEMA award purposes (many low-income folks land in houses passed from generation to generation without any formal conveyance . . .); to contractor fraud; to handling credit problems for folks who are trying to get SBA or other loans with which to rebuild their lives. Not only will we be helping victims of Hurricane Katrina [in this State], but there are over 35,000 evacuees from Louisiana and Mississippi in the State. Every one of our offices in the State will be serving Hurricane Katrina victims with already scarce resources.

So it is not something they are going to need a year or two from now, they need it now because, in the initial stages, legal services will be responsible for helping hundreds of thousands of people navigate the system for obtaining disaster-related food stamps, unemployment compensation, and housing assistance. They will be on the frontlines representing people with the agencies to get the needed relief.

Legal services will be the best on-the-ground arbiters of whether deadlines need to be extended to reach the hundreds of thousands eligible for assistance.

I have a little experience in this from both standpoints: One, I was a legal services attorney before I came to Congress. That was my job. So I know a little bit about how legal services work and who they serve. Second, our State of Iowa in 1993 was hit by a devastating flood. Every single one of our counties—99 counties—was declared a disaster area. Some of our small towns were totally wiped out.

So I have a great deal of sympathy and empathy for what is going on in New Orleans. We saw whole towns in our State underwater. Some of them were never rebuilt. We had to move people to other places.

That was 1993. Legal aid lawyers represented thousands of clients in the State of Iowa in landlord-tenant disputes about the ability to terminate leases of uninhabitable property. They assisted people in Iowa with a whole range of issues.

In one example, there was a certain FEMA determination that a woman was not entitled to compensation because the property was in the name of an ex-spouse. It turned out it was not an ex-spouse; it was her spouse who had died, and only legal services could help clear this up for this poor woman. She didn't have enough money to hire an attorney. As I said, to be qualified, one has to have an income of less than 25 percent of the poverty level.

Another example of what they did in Iowa: FEMA determinations that massive property damages were, in fact, preexisting conditions; determinations of SBA loan eligibility.

This all happened in Iowa in 1993, so I know what it means to go through a devastating flood such as this and to have people who are homeless, without housing, with no place to go and needing the help of legal services to navigate, to find out what they can get, to know for what they are eligible.

In the situation we are now facing, much bigger than the flood of Iowa, legal services lawyers will be trying to represent clients who have no access to their homes, many who are temporarily living out of State. At least that did not happen in Iowa, at least not to any great extent. There are evacuees in Texas, in Arkansas, some in Washington, DC. Providing legal help to those most in need is critical in this instance.

Beyond the immediate need of helping the victims of Hurricane Katrina, legal services is critical to reducing violence in this country. When people cannot get results through the legal system, they resort to extralegal means. We have seen that in all areas of the country. We have seen that sometimes in disaster areas in the last week, and we should expect to see more if we cannot quickly get legal help to the people displaced.

It is not true because of Hurricane Katrina; it is true in everyday disputes. Having access to quality legal help reduces tensions, focuses people on compromise, negotiations. Legal services reduces the burdens on our courts. They help to ensure that those people with disabilities get the benefits to which they are entitled.

That is why the Legal Services Program has the complete support of the American Bar Association and every State bar in the United States. I point out that the American Bar Association supports the amendment we are offering.

Let me add that this amendment is fully offset, as it stands now.

I want to also add Senator OBAMA as a cosponsor to this amendment.

I urge my colleagues to support this amendment. As I said, 45 Senators signed a letter earlier this year seeking this level of funding; $4 million actually more than what we are asking for in this amendment.

So I hope and trust that we will hold this in conference. We cannot continue to say we are a nation of equal justice under law when the poverty rate keeps going up and the amount of money we are giving the Legal Services keeps going down. Poor people are being excluded from our civil justice system. That is wrong. It should not happen in this country.

So this year, next year, the year after, I will be here, and I am sure along with many others on both sides of the aisle, saying we have to get this funding back up. Our courts are plugged with people sometimes with crimes that have to do with property. How many of those might have been forestalled if they had had Legal Services help—or courts plugged because someone is there because of domestic violence. It could have been forestalled if people had had Legal Services.

So that is why we need to get the Legal Services Corporation back up to the level it was at least in the mid-1990s, and actually it probably should be more than that because of the huge increase in poverty in this country.

So if my colleagues believe in equal justice under law, if they believe an ounce of prevention is worth a pound of cure, if they believe by a little bit of money upfront helping people solve their legal problems, domestic violence problems, and things like that it will help keep people out of court, which we have proven is true, then we ask for support for this amendment, and hopefully we can hold this amount when we go to conference.

AMENDMENT NO. 1659

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. OBAMA, proposes an amendment numbered 1659.

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

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

The amendment is as follows:

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina)

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

Mr. HARKIN. I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to speak in support of Senator HARKIN's amendment to add $38.2 million to the reported funding level for the Legal Services Corporation, and am

proud to join him as a cosponsor. I was one of 47 colleagues joining in a bipartisan letter in June urging the subcommittee to support the Legal Service Corporation quest for $363.8 million.

Liberty and justice for all is one of America's most cherished principles, and a fundamental part of the very fabric of our Nation. Our Founding Fathers fought a revolution for it. Thousands of brave men and women since then—from Abraham Lincoln to Susan B. Anthony to Martin Luther King and all who fought with them—risked their lives to ensure that the principle of justice for all truly applied to all Americans. And today, thousands of men and women of our armed forces are fighting and sacrificing their own lives to secure these freedoms for the people of Afghanistan and Iraq.

Justice for all knows no political exclusivity. It is not a Democrat or Republican value, but an American value. At the opening of each and every session of this Senate, we stand together and pledge our allegiance to this founding principle. Millions of schoolchildren pledge their allegiance every day to this fundamental tenet of our country.

Yet today in Illinois and throughout the United States, we are falling far short of fulfilling our Nation's promise of ''justice for all.''

A recently released study, ''The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans,'' found that over the course of a year, tens of thousands of less fortunate Illinois residents were unable to obtain legal assistance that was often critical to their safety and independence. Hundreds of thousands more attempted to solve often complex legal problems on their own.

Studies in other parts of the country have reached similar conclusions. Millions of Americans are being shut out of our civil justice system, with grave consequences for themselves personally and for our country as a whole when legal assistance is not available to them. We are a long way from fulfilling our Nation's promise of equal justice for all.

This widespread lack of access to justice can only be described as a crisis for our country, and with increases in the poverty rate compounded by the vast devastation to so many of our fellow citizens caused by Hurricane Katrina, it will only get worse if we do not act.

Those being left behind by the alarming gap in access to our justice system are our friends, relatives and neighbors. They are children, families and the elderly of diverse creeds and backgrounds, and they often are the men and women fighting for our country and their families.

The story of a young man in our armed forces from Galesburg, a small city in the western part of Illinois, is a prime illustration. Before being deployed to Iraq, he visited Prairie State Legal Services, an organization funded by the Legal Services Corporation that serves residents in 36 mostly rural counties in northern Illinois, to seek help in getting a power of attorney and will prepared so that if something happened to him his family would know what to do.

Other examples of the Americans who are helped every day by legal aid groups funded by the Legal Services Corporation—and for too many of whom help is not available—include a woman and her children victimized by domestic violence seeking an order of protection and child support to give them a fair chance to start a new life, a senior couple facing foreclosure of the only home they have ever lived in after being victimized by consumer fraud, a World War II veteran who served his country so well but now is being denied the benefits we have promised him, and numerous other less fortunate residents facing legal matters critical to their safety and independence as they try to pursue the American dream.

The legal aid system in Illinois is able to address only a small fraction of the civil legal problems encountered by low-income Illinoisans. The ''safety net'' is inadequate and fraying. Low-income Illinoisans faced over 1.3 million civil legal problems in 2003—from child custody disputes to mortgage foreclosure to physical and financial elder abuse. Low-income Illinoisans had the assistance of an attorney for only one of every six legal problems they encountered. Illinois's legal aid system is facing critical shortage of resources, with layoffs and hiring freezes becoming widespread at programs throughout the State.

The Legal Services Corporation has historically been grossly underfunded. In 1996, Congress reduced funding by 33 percent—from $415 million to $278 million, resulting in closure of more than 100 legal aid offices across the country. By fiscal year 2003, the appropriation had been increased to $338.8 million, but levels have steadily declined as a result of Government-wide reductions.

The Legal Services Corporation has already had to absorb $9 million in cuts over the last 2 years. That translates to almost 200 attorney positions across the country who are no longer helping those in need of legal assistance. Just in the last 2 years, the number of people that were able to receive needed services declined from 978,000 to 901,000. Three States are experiencing layoffs and many other States have a hiring freeze in place that has led to as many as one third of the staffing positions being vacant.

While it is not the Federal Government's responsibility to be the sole source of legal aid funding, the Federal Government has a significant role to play in partnership with State and local governments, the legal community and other public and private sources.

The need and the cost effectiveness of increased funding for civil legal aid have been amply demonstrated. The excuse that there is not enough money is no longer acceptable. We are failing to protect the legal rights of too many of our most vulnerable residents.

But if Congress adopts the Harkin amendment reflecting the bipartisan Legal Services Corporation Board's funding request, it would mean almost $1 million in additional funding for Illinois programs over last year's appropriation and thereby ensure services for thousands of lower-income Illinois residents.

By contrast, if the appropriation remains at the $324 million level in the underlying bill we are considering, it will result in additional cuts of more than $200,000 for Illinois programs. Attorneys throughout Illinois already contribute more than $5 million annually to civil legal aid, as well as providing hundreds of thousands of hours of pro bono services. While members of the legal community must continue to be leaders in this effort, they cannot do it alone. Congress must step up to the plate.

Access to and availability of legal services will be even more acute in the coming months as thousands of victims of the devastation in the wake of Hurricane Katrina grapple with housing, unemployment, and other complicated assistance programs. Prior to Hurricane Katrina, there was already a critical need for an increase in the budget for legal services programs. Between March and May of 2005, legal service programs across the country were forced to turn away 50 percent of people eligible for assistance. An additional 20 percent were forced to make due with less legal help than necessary.

By adopting this very modest amendment offered by Senator HARKIN, we can ensure that tens of thousands more Americans like those I described have access to critical legal services that will enable them to continue to be independent and productive members of our communities.

Senator HARKIN's amendment would merely restore Legal Services Corporation funding to its level from 2 years ago when adjusted for inflation. It is only a modest increase from last year's $335 million pre-rescission funding level, yet it would help ensure services for tens of thousands of Americans are protected. It will help give them access to reliable web-based legal information and resources, legal aid hotlines, and extended representation by legal aid attorneys in more complex matters.

I hope we will all join in full support of Senator HARKIN's reasonable amendment. Let's demonstrate that ''justice for all'' is a meaningful commitment—and never becomes a meaningless cliche.

Mr. OBAMA. Mr. President. I rise in strong support of the amendment offered by Senator HARKIN to increase funding for the Legal Services Corporation. I am proud to be a cosponsor of the amendment.

The Legal Services Corporation provides vital legal assistance to the poor

around the country. It was created in 1974 with bipartisan congressional sponsorship and the support of the Nixon administration.

In Chicago, the Legal Services Corporation funds make it possible for the Legal Assistance Foundation to help my constituents navigate the foster care system and receive compensation after violent crimes. In Galesburg and Peoria, these funds make it possible for the Prairie State Legal Services organization to help people dealing with domestic violence issues and elder abuse.

In the aftermath of Hurricane Katrina, you can bet that Legal Services Corporation will be in Louisiana, Alabama, Mississippi, and the many States where hurricane victims are being relocated helping newly impoverished citizens obtain food and shelter assistance, health care and insurance benefits, unemployment insurance, Social Security benefits, and FEMA assistance.

This program makes a real difference in people's lives. Take the story of Irene and her family for example, who live in Section 8 housing and needed help. They visited the Prairie State Legal Services office in Illinois. Every day, Irene had to get two wheelchair-bound grandchildren up the stairs and into a second floor apartment. Both her grandchildren have cerebral palsy and are confined to wheelchairs. The oldest is now 14 and weighs 160 lbs. And after 11 years, as I am sure you can imagine, Irene was having a hard time getting her grandchildren up those stairs. But when she tried to make this difficult situation better, it only got worse.

Irene applied for and received a transfer certificate from Section 8 to allow her to move to a new apartment. But she could not find a first-floor apartment to transfer to within the 60 days that the transfer allowed. Irene tried calling the Section 8 offices to let them know of the delay, but she was forced to leave messages. When she finally sent a letter asking for a response to her messages, she was informed that she was too late—not only was the Public Housing Agency terminating her transfer, it was also terminating the Section 8 subsidy for her current apartment.

But that is when Prairie State and Legal Services Corporation intervened. A staff attorney represented Irene in an administrative appeal, and pointed out that under the Fair Housing Act and the Americans with Disabilities Act, Irene had not been provided the support needed to assist her in finding an apartment. As a result of her attorney's efforts, Irene's subsidy was reinstated, she was given a new transfer certificate and was provided with active assistance in helping her find a new apartment.

Legal Services Corporation helps folks like Irene all across the country, from South Carolina to South Dakota, Illinois to Iowa. And when someone displaced by Hurricane Katrina cannot afford a lawyer but is having trouble getting her unemployment insurance or Social Security benefits, or getting her utilities turned back on, Legal Services Corporation will be right there. Legal Services Corporation-funded organizations have won dozens of awards, and groups ranging from AARP to the American Bar Association have voiced their strong support of LSC. We should do the same.

Over the last decade, the LSC budget has suffered $196 million in cuts. The Appropriations Committee proposed this year to cut $6 million more. I do not think this is the time to deny legal services to those who need them most. I believe that in light of the pressing crises confronting individuals in the gulf coast, we should be increasing funding for the Legal Services Corporation, not decreasing it. So I strongly support Senator HARKIN's amendment, and I urge my colleagues to do the same.

Mr. WYDEN. Mr. President, I rise today in support of the amendment introduced by my colleague, Senator HARKIN, from Iowa, which would increase funding for the Legal Services Corporation by $38.2 million to $363 million.

If there was ever a time to provide adequate funding for legal services for the poor, that time is now.

In the wake of Hurricane Katrina, there will be thousands and thousands of Americans in desperate need of legal advice who lack the resources to hire their own attorneys or the skills necessary to meet the legal challenges they must confront.

These are the same folks that didn't have the means to get out of harm's way when the hurricane struck.

These are the same folks that waited for days on their rooftops, at the New Orleans Convention Center, the Superdome, and so many other places down on the Gulf Coast to be rescued.

These are the same folks that now must rebuild their lives—often times from scratch.

They will need legal assistance. Congress needs to step in and help make this a reality. And Congress needs to step and increase funding so that the thousands of other Americans—in addition to the victims of Katrina—who are unable to afford legal advice get the access to justice that they deserve.

How can it be, in a country where we teach our children from an early age the Pledge of Allegiance and its closing words—''with liberty and justice for all''—so many children and their families cannot obtain equal access to justice?

How can it be, in a country that saw an historic economic boom in the last decade, that 80 percent of low-income Americans still lack access to a lawyer when they're in serious legal situations?

How can it be, in a country as strong and rich as this one, that tens of thousands of Americans who need legal representation are turned away every year because their Government won't support the very program designed to help them?

This year, the House has appropriated only $324.5 million in funding for Legal Services. The current version of the Senate CJS Appropriations bill funds the program at about the same level.

This is less than Legal Services received in FY 2005. It's almost $40 million less than the FY 2006 budget request made by the bipartisan Legal Services Corporation Board of Directors. In fact, the current level of funding is not much more than it was in 1981—in real dollars.

The issues that Legal Aid works to address are not esoteric legal questions. They are issues of life and death and food and shelter.

When folks who are already hurting can't get the legal representation they need, all too often it gets harder to put food on the table and harder to pay the rent and harder to get the medicine for the kids or for Grandma.

In the State of Oregon, the need for legal aid is clear, and the choice to fund it should be obvious. Oregon's Legal Aid programs are the primary source of representation available to more than 500,000 low-income folks in my State, and they assist 20,000 of those low-income Oregonians every year.

But because of Legal Aid funding shortfalls in recent years, the Oregon programs have had to layoff staff, cut salaries for remaining staff, slash their medical benefits, freeze vacancies, and close the Klamath Falls office. Less than 20 percent of low income Oregonians have access to an attorney who could make a critical difference in helping them deal with a legal issue—from a getting restraining order from an abusive boyfriend to helping a predatory lending victim.

The idea that Legal Aid is the practice of political law is preposterous.

It's simply making sure that legal services are available for the very people who need them most.

Make no mistake—State, local and private resources are providing the vast majority of Legal Aid funding in Oregon and elsewhere. In 1980, Federal funding accounted for 80 percent of the total legal aid money in Oregon. In 2005, Federal funding accounts for 28 percent. Everyone else is doing their part to provide these folks with equal access to justice—it's time that the Federal Government did its part too.

I am determined that the victims of Hurricane Katrina and poor Americans throughout the United States, who, as children, stood in their classrooms with their hands over their hearts and recited the Pledge of Allegiance and the words ''with liberty and justice for all'' will not find out those words were a lie.

I am determined that the victims of Hurricane Katrina living in the Houston Astrodome will have legal help they need when applying for food

stamps and other forms of assistance available to them.

I am determined that the victims of Hurricane Katrina relocated to San Antonio will get legal help they need to deal with their insurance companies.

I am determined that the victims of Hurricane Katrina spread all across the country will get the legal assistance they need to rebuild their homes—and their lives.

With Federal, State and local partners working together, we can ensure equal access to the law for all Americans, including the thousands and thousands of victims of Hurricane Katrina.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Iowa for offering this amendment. I know he has been a passionate supporter of Legal Services and quite frankly so have I over the years, having used it when I was a social worker in Baltimore and a child abuse worker, I might add, when many of these children had very little protection, the kind of protection we have now.

Legal Services will perform services at multiple levels. One is the traditional services in all 50 States. No. 2, though, they will be very important now to people with Katrina, particularly those who are unfamiliar with paperwork and bureaucracy and applying and all of those things and will need someone to help them navigate.

One might ask, why would they need a lawyer? Legal Services offers more than lawyers, and they will be there. I think the Senator's amendment is excellent. I think what we need to be able to do is find both the will and the wallet to fully support Legal Services.

When I think back on what Legal Services has meant, it often helped people get their lives together. I know in my own case as a social worker, it helped a welfare mother get a divorce from an abusive husband. It helped her be able to clear up all of her credit issues so that she could begin a new life. She got a GED so she could move off of welfare and establish herself. The credit card mess was due to the abusive husband. So Legal Services, really, in many instances helps families get their lives together.

So we look forward to supporting this amendment and working with him on other advocacy issues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1652

Mr. SALAZAR. Mr. President, I rise in strong support of the amendment offered by Senator LINCOLN to ensure that victims of this terrible hurricane have access to the health care their situation demands today. This is the least we can do, and I urge Senators to support her amendment.

I was moved to hear the words of Senator LANDRIEU this morning. She has been a tireless warrior for her State throughout her career, and I commend her for her work and her efforts over the last tragic days she has been through in Louisiana. To her and to my other colleagues, to Senator LOTT, Senator COCHRAN, Senator VITTER, Senator SESSIONS, and Senator SHELBY, I simply say we should do everything in our power as a Senate to help the victims of this terrible storm and to help rebuild their States, cities, and communities.

Let me say, too, that I am proud of Coloradans and their response to this disaster. In the 10 days since the devastating storm hit the shores off the gulf coast, people of our State have stepped up to help the victims.

Experts from the national Centers for Disease Control and Prevention laboratory in Fort Collins will be dispatched to the region soon. Disease trackers from Fort Collins likely will be sent to the gulf coast to help contain the spread of the West Nile virus and the spread of other mosquito-borne illnesses in the aftermath of Hurricane Katrina. The U.S. Northern Command at Peterson Air Force Base, which is charged with defending against military attacks within our borders, is now charged with mobilizing military resources for the Hurricane Katrina disaster. The U.S. Joint Operations Center in Colorado Springs has nearly 1,000 people on 24-hour duty to facilitate Federal Emergency Management Agency requests.

I am proud of the men and women in uniform who today are helping our country within our borders.

Nearly 800 Colorado National Guard men and women are deployed to that region today. Churches in Denver and throughout the State of Colorado are mobilizing to help with relief efforts, whether that means collecting donations, physically traveling to the devastated communities, or taking in displaced refugees. The University of Colorado has started a streamlined admissions process for students temporarily displaced by Hurricane Katrina. Colorado State University has taken similar steps.

The American Red Cross Mile High Chapter, which houses the Nation's second largest disaster response phone operation and which for a time was handling one-third of the calls pouring into the Red Cross national headquarters in Washington, DC, has done a tremendous job, and in the immediate aftermath of the storm more than 800 Coloradans volunteered to receive training and field phone calls and take donations for the Red Cross. My wife Hope and my daughter Melinda and I visited the Denver operation last week and helped man the phones. I could not have been more proud of our State and its people. I am sure the experience of Colorado is an experience that has gone across all of our 50 States of our great Nation.

I remember Sunday, August 28, very well. The country held its collective breath as we awaited landfall of Hurricane Katrina. In my faith, we celebrate Feast Days of Saints, symbols of the kinds of lives Catholics aspire to lead. Sunday, August 28, was the Feast Day of Saint Augustine, an intellectual giant in our church who became so only after battling great personal challenges in his own personal life. Augustine had an important piece of advice for all of us that is applicable today. He said:

> Pray, as though everything depended on God. Work as though everything depended on you.

One look at the devastation in the gulf coast—the destruction wrought in Biloxi, MS, the obliteration of towns all along the Mississippi coast, and the suffering in New Orleans and across Louisiana—and none of us could have imagined that kind of devastation could ever occur here in our homeland. We cannot help but feel that the reconstruction of this wonderful part of our country will depend not only on our human powers but also on the supernatural powers that will guide us.

But seeing the suffering on the faces of our fellow countrymen, women, and children, you cannot feel anything but to be ready to work as if the end of their suffering depends on our work. In point of fact, those suffering people depend on us to end their suffering, and we owe it to them to work as though everything depends on us. I submit that a basic function of the Federal Government is to respond to a national disaster such as Katrina which has devastated 90,000 square miles of America.

We can and we must do everything we can. I submit we should take on our challenge in three critical ways. First, we must provide immediate humanitarian assistance. Second, the President should lead a Marshall-like plan to reconstruct the gulf coast region. Third, we must learn the lessons from the Katrina disaster so we can prevent these kinds of disasters from happening elsewhere in our great Nation.

Let me review each of those points. First, by providing immediate humanitarian aid and assistance to the victims of this terrible disaster, we should be doing what is our duty as a nation. Last week, Congress provide FEMA $10.5 billion in emergency funding. Today, we anticipate we will provide

another $51.8 billion for this national disaster. Passing these appropriations will help the victims of Hurricane Katrina, and it is the right thing to do. I am proud we are taking these steps.

At the same time, the Federal Government can and should do more. That is why I commend Senators REID and LANDRIEU for introducing the Katrina Emergency Relief Plan earlier today. I am proud to cosponsor that legislation, and I urge my colleagues to join us in immediately passing this much needed relief for the victims.

We can take that first step now by passing Senator LINCOLN's proposed amendment. The people of our great Nation have the right to expect and deserve the best emergency and disaster response services in the world. It is the responsibility of the Federal Government to protect its citizens, and in the aftermath of Hurricane Katrina much more needs to be done to live up to that responsibility.

The Katrina Emergency Relief Plan is the right first step. I also will continue to press for additional immediate relief, including: first, an emergency appropriation for CDC, for disease surveillance and mitigation; second, immediate assistance to States for those universities and school districts, such as those in Colorado, that take on displaced students from Katrina-affected elementary, middle, high schools, and university settings; third, an expansion of the cap on the amount of charitable donations that can be claimed for tax purposes when those donations are given for Hurricane Katrina responses; fourth, a fix in the Tax Code to permit the expenses associated with the provision of room and board to victims of Hurricane Katrina to be tax deductible; and, finally, exempting the victims of Hurricane Katrina from the means test under the new bankruptcy law due to take effect on October 17 of this year.

Second, we must respond to this disaster by creating a Marshall plan for reconstruction of the gulf coast. From jazz to William Faulkner, these affected States have given much to our country and to our history. As such, I cannot imagine that anyone would not consider investing the resources necessary to rebuild this vital part of our great country. We owe it to our fellow countrymen and people on the gulf coast.

This will require a recovery and reconstruction effort on the scale of the Marshall plan that rebuilt Europe after World War II. Not unlike post-World War II Europe, the Gulf States are now facing unprecedented damages which require immediate action. Entire towns in Mississippi were destroyed and it will take months to make New Orleans and other communities in Louisiana habitable again.

Such a plan should include the creation of a small and effective Cabinet member-chaired task force—that the President would appoint—with State and local participation, and that task force would have a singular focus on this challenge. The task force should develop a plan for reconstruction, identify the costs associated with that plan, and oversee its successful implementation.

In addition, I recommend getting our hands around the pain at the pump created by the record high gas prices, and the impact they are having on our country, including consumers, farmers, ranchers, and businesses. A first step in that effort is for the Department of Justice to provide assistance, both technical and financial, to State attorneys general to fight price gouging and contractor fraud, and freeze any requirements for small businesses and farmers affected by Katrina to service Small Business Administration and USDA loans or any other Federal Government-provided loans until the affected areas can be reconstructed.

If we are to have a Marshall plan, we also will need to have a leader of the caliber of General George C. Marshall. That is why I repeat today my request to the President that he seek the resignation of Michael Brown, the FEMA Director, and replace him with a leader who has the experience and expertise to meet the challenges of the greatest natural disaster in our country's history.

Thirdly, we must expeditiously determine what happened in response to this disaster and how we should reform FEMA and our Federal agencies to ensure that this slow response does not happen again.

I have already joined my colleagues in calling for an independent commission to investigate the Federal response to Hurricane Katrina and how we can be better prepared for future cataclysmic events. This effort can be helpful, and, as was the case in the wake of the terrible 9/11 terrorist attacks, we can, in fact, do something to learn the lessons we must learn.

But what we do not need is a partisan investigation that produces predetermined results. Remember the history of the 9/11 Commission, the most bipartisan and successful commission in a long time. It was only against the backdrop of opposition from the White House and after months of calls from the families of the victims of 9/11 that the commission was created, and, once created, that commission did its job.

I hope we can avoid the partisan wrangling this time around and get a commission that gets right to work on this very important effort.

I will also propose legislation to improve training for evacuation and relocation in reaction to natural or manmade disasters. We often cannot predict when natural disasters will strike, but we must begin preparation for future incidents without further delay.

I hope, too, that the conferees on the Homeland Security will keep in that conference report my amendment to require a national survey of first responders. I recently conducted such a survey of Colorado's first responders and was appalled at the result which demonstrated how unprepared our first responders are in dealing with these kinds of disasters. Given what we have seen in the last 10 days—where the Federal Government's response has without question failed—we need to hear directly from the police, firefighters, and others how we can improve our response.

In closing, I am reminded of another saying by Saint Augustine. He asked:

> What does love look like? It has the hands to help others. It has the feet to hasten to the poor and the needy. It has eyes to see misery and want. It has the ears to hear the sighs and sorrows of men. That is what love looks like.

The victims of this terrible tragedy love this country, but this country has let them down. It is now time for this Senate, this Congress, and this President, who runs the executive branch, to get to work to rectify that letdown.

We are this great country's hands, and we can do more to help those victims. We are this great country's feet, and we can do more to carry assistance to those victims. We are this great country's eyes, and we must see what they are suffering through. We are this great country's ears, and we cannot turn a deaf ear to the pleas from the gulf coast.

We can do better, and I look forward to working with all of my colleagues to ensure that we do.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1654

Mr. DAYTON. Mr. President, I ask unanimous consent to set aside the pending amendments and call up amendment numbered 1654.

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

The clerk will report.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. DAYTON], for himself, and Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, and Mr. HARKIN, proposes an amendment numbered 1654.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment (No. 1654) is as follows:

> (Purpose: To increase funding for Justice Assistance Grants)
>
> On page 133, line 24, strike ''$1,078,350,000'' and insert ''$1,353,350,000 of which in addition to amounts provided by the following table $275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of $275,000,000 to come from activities as follows: $43,000,000 from travel and transportation of persons; $3,000,000 from transportation of things; $27,000,000 from communications, utilities, and miscellaneous charges;

$6,000,000 from printing and reproduction; and $196,000,000 from other services''.

Mr. DAYTON. I thank the distinguished ranking member for assistance in putting this together. I thank my distinguished cosponsor of this amendment, Senator CHAMBLISS of Georgia, for his leadership and involvement in the Byrne Grants, along with Senator LIEBERMAN whose long-time involvement in the grants has been recognized nationally.

It is my understanding the amendment is further cosponsored by Senator OBAMA, Senator KERRY, and Senator HARKIN, and I ask unanimous consent Senators HAGEL, CLINTON, CANTWELL, and SALAZAR be added as original cosponsors of the amendment.

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

Mr. DAYTON. Mr. President, this amendment increases the funding for the Juvenile Assistance Grants by $275 million, with particular focus on adding that funding to what are called the Byrne Grants, which are local law enforcement grants vital in my State of Minnesota for fighting the scourge of meth that has ravaged communities, that has been so destructive to schoolchildren of all ages, I am sorry to say, particularly teenagers and young adults.

The illegal meth used in production in Minnesota has increased in a skyrocketing fashion. I understand that is true in many other States as well. These Byrne Grants have been essential to Minnesota and other law enforcement efforts to provide the funds necessary to combat the scourge. The funds go to local law enforcement block grants.

The Byrne Formula Grants consolidated into the Justice Assistance Grant have been reduced in the last couple of years. This restores badly needed funding for those purposes. I commend the chairman of the subcommittee and the ranking member for providing $625 million of funding that is well above what the House of Representatives has provided, $348 million.

This money is desperately needed and will be well used. My amendment is fully offset by various reductions in administrative expenses. I can detail those if Members desire, but it will be fully offset, and has been determined as such by the Congressional Budget Office.

I ask unanimous consent, at the conclusion of my remarks, the following letters of endorsement from the national organizations be added: The National Association of Police Officers, the International Association of Chiefs of Police, the Minnesota Sheriff's Association, the Minnesota Police and Peace Officers Association.

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

(See exhibit 1).

Mr. DAYTON. I ask my colleagues to support this bipartisan effort. I believe they will find, as I have, this has almost unanimous support of local law enforcement officials in their States, as it does in mine. The funding is desperately needed, and it will be well used and go to our communities, to our counties, to our States in ways that will be directly involved in reducing juvenile crime as well as other forms of crime.

EXHIBIT 1

THE NATIONAL ASSOCIATION OF POLICE OFFICERS,
September 8, 2005.

Re Dayton Amendment re JAG funding.

Office of SENATOR DAYTON,
Washington, DC.

NAPO supports Senator Dayton's amendment to increase JAG funding by $275 million. The Justice Assistance Grants have provided beneficial support for local law enforcement, fostered community initiatives against crime and facilitated improvements to State criminal justice systems. We thank the Senator for his continued work to ensure that local law enforcement is afforded the ability to receive the effective and user-friendly funds it Deeds the most.

Please keep me posted on how the amendment fares today.

Thank you.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
September 6, 2005.

Hon. MARK DAYTON,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR DAYTON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our support for your amendment to restore funding to the Justice Accountability Grant (JAG) program. As you know, the IACP is the world's oldest and largest association of law enforcement executives with more than 20,000 members in 100 countries.

The JAG program, which was formed by consolidating the Edward Byrne Memorial Grant program and the Local Law Enforcement Block Grant program, is one of the primary federal assistance programs for state, tribal and local law enforcement agencies. For more than a decade, the resources provided under the JAG program have allowed law enforcement agencies to expand their capabilities and make great strides in reducing the incidence of crime in communities across the nation. The JAG program provides crucial funding to assist states, tribes and local governments in controlling and preventing drug abuse, crime and violence, and in improving the functioning of the criminal justice system.

However, this vital program has seen significant cuts in recent years. H.R. 2862 as currently drafted in the Senate would provide $625 million, a cut of $275 million or 30 percent, from FY 2003 levels. Cuts of this magnitude will certainly have a significant and negative impact on the ability of state, tribal and local law enforcement agencies to maintain the many critical anti-crime programs that are currently supported by funds received under the JAG program.

It is vital that Congress act to ensure that state, tribal and local law enforcement agencies continue to receive the resources necessary to fulfill their mission of protecting the public and the communities they serve. For these reasons, the IACP urges all Members of Congress to support your efforts to restore funding to the JAG program to FY 2003 levels.

Thank you for your efforts on behalf of law enforcement.

Sincerely,

GENE R. VOEGTLIN,
Legislative Counsel.

MINNESOTA SHERIFFS ASSOCIATION,
September 7, 2005.

DEAR SENATOR MARK DAYTON: The Sheriffs of Minnesota are asking for your support and leadership in restoring funding for the Justice Assistance Grant (JAG) program, including the Byrne Grant Program and LLEBG. It is my understanding you are considering an amendment that would add $275M to JAG which would increase funding to 2003 level of funding.

Under the Administration's current proposal funding for several of these crime fighting programs are significantly decreased or eliminated altogether. The Minnesota Sheriffs Association is requesting your support in restoring funding for the Byrne Memorial Justice Assistance Grant and COPS programs. In Minnesota the Byrne Grant program is critical to the success of our Gang and Drug Task Force operations. During our Minnesota 2005 Legislative session, our legislature appropriated local funds to match the Byrne Grant funds. The coordination of these funds will give our law enforcement officers the resources and necessary support as they battle both increased gang activity and massive increase in meth addiction and use within our state. Example: in a recent sample survey at several of our county jails it was revealed over 53% of our prisoners are in jail due to meth/drug related charges. Without the Byrne Grant funding, local crime fighting resources will have to be reduced.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

JAMES D. FRANKLIN,
Executive Director.

MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION,
September 8, 2005.

Hon. Senator MARK DAYTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DAYTON: I write today to thank you and commend your efforts to ensure continued and critically needed funding for the Byrne Justice Assistance Program. I wish to express the strong support of police officers across the state and the 7,500 members of the Minnesota Police and Peace Officers Association (MPPOA), for the Dayton-Chambliss amendment to the FY 2006 Commerce, Justice, Science Appropriations Bill (H.R. 2862) to enhance funds provided for this critically important program.

In Minnesota and other states across the country, the Byrne Justice Assistance Program is a significant source of support for education, treatment, and law enforcement initiatives combating the scourge of methamphetamine. As you know, methamphetamine is a serious and still growing problem in Minnesota, and it continues to spread throughout the nation. Exposure to methamphetamme and the waste and byproducts from its production poses significant risks and has devastating consequences—for individuals, children, communities, and emergency services personnel. Indeed, nearly every day a tragic story is reported in the Minnesota news media telling of the devastating effect of methamphetamine on our residents, our families, and our communities.

As President of Minnesota Police and Peace Officers Association (MPPOA), I have witnessed first hand the benefits of the Byrne Program in protecting our communities and families from the growing problem of methamphetamine. In Minnesota, the Byrne Justice Assistance Program funds

local drug education treatment, and law enforcement programs, including 21 multi-jurisdictional drug task forces that are tasked with combating the epidemic of methamphetamine trafficking and production in our communities. Without the support of the Byrne Justice Assistance Program funding, these drug task forces face reductions that will decrease their abilities and effectiveness. Should this occur, Minnesota's ability to fight the war on drugs would undoubtedly be diminished, with potentially disastrous consequences. I have attached a recent article from the Fergus Falls (MN) Daily Herald which illustrates the importance of the drug task forces and the potential consequences of reductions in available resources.

The concerns of Minnesota law enforcement officers are not limited to the borders of the state—methamphetamine ''cooks'' often obtain the necessary ingredients in surrounding states and manufacture the drug locally. In addition, the international and interstate trafficking of methamphetamine is increasing as the drug task forces succeed in their efforts to identify, arrest, and prosecute domestic clandestine methamphetamine laboratory operators. These challenges exhibit the need for a strong federal response to methamphetamine, an effort that, in many areas, depends on the support of the Byrne Justice Assistance Grant Program.

Once again Senator Dayton, thank you for your continued support of Minnesota's law enforcement community and your efforts to ensure adequate resources in the national fight against methamphetamine.

Sincerely,

BOB BUSHMAN,
President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. OBAMA. Mr. President, I rise in support of Senator DAYTON and Senator CHAMBLISS's amendment. In the wake of the devastation of Hurricane Katrina and the massive displacement of hundreds of thousands of people, the country has once again relied on the strong efforts of the Nation's first responders to provide aid during a time of national tragedy.

Although the Federal response to this disaster may have been too slow, there can be no doubt that the men and women on the nation's front lines have valiantly come to the aid of their fellow citizens.

Police officers from New York City, NY, to Alton, IL, have answered the call of duty and volunteered to go to New Orleans to assist in rescue, recovery, and reconstruction efforts. These brave men and women are the Nation's heroes, and this body should do all it can to provide them with the resources they need to do their jobs.

Unfortunately, at a time when we are relying on the Nation's first responders—our law enforcement, our fire fighters, our emergency technicians—to protect us against terrorism, to respond to natural disasters, to protect us from the normal everyday ravages of crime and drug use that do not abate just because the Nation is at war—it is shocking to me that Washington is contemplating major cuts to important law enforcement assistance programs.

That is why I am proud to be joining Senators DAYTON and CHAMBLISS in cosponsoring an amendment to the Commerce, Justice, Science appropriations bill to increase funding for the Edward Byrne Memorial Justice Assistance Grant Program.

The Edward Byrne Memorial Justice Assistance Grant Program, provides an important source of funding for state and local law enforcement to make communities safer and improve criminal justice.

In Illinois, these dollars are put to good use. They help fight the scourge of methamphetamine, which has traveled from the West Coast to the Midwest and is ruining rural communities across the country.

The meth problem has grown exponentially in the last few years. Police in Illinois encountered 971 meth labs in 2003—more than double the number seen in the year 2000. The quantity of meth seized by the Illinois State Police increased nearly ten-fold between 1997 and 2003.

The meth problem is taking over communities—depleting already limited resources, taxing the police, the judicial system, social services, and the schools. Every aspect of the local communities are touched and harmed by meth.

Luckily, one program has proven helpful in Illinois' battle against meth—the Byrne Justice Assistance Grant Program.

In 2004 alone, Byrne Justice Assistance Grant dollars helped make 1,267 methamphetamine drug arrests in Illinois. That same year, Byrne Justice Assistance Grant dollars helped seize 348,923 grams of methamphetamine.

For rural Illinois, Justice Assistance Grant dollars have provided a much-needed life raft, funding important multi-jurisdictional programs that have allowed various counties and communities to join together, combine resources and work to stop the onslaught of meth.

The Southern Illinois Enforcement Group—a coalition of three Southern, predominantly rural Illinois counties, is one of these task forces. The unit has responded to 84 meth labs so far this year, more than 40 percent of all meth labs in the greater Southern Illinois 33-county region for 2005.

When I visited with law enforcement from the Metropolitan Enforcement Group of Southwestern Illinois, another one of these task forces, this August, they shared with me how important these dollars are to their efforts. They fear that any cuts will mean a reduction in the number of officers, or even worse, the loss of the task force, either of which will mean that they will have to battle a growing meth problem with fewer resources. Now, this body is proposing to flatfund the Byrne Grant Program at $625 million.

While this is much better than the alternative proposed by the President—who wanted to eliminate the program—and it is better than the House option, which has voted to fund the Justice Assistance Grant Program at $366.4 million—this is woefully short of the funding provided this program only 3 years ago.

The amendment I cosponsor today would fund the Justice Assistance Grant program at $900 million, the same amount provided the Byrne Formula Grants and the Local Law Enforcement Block Grants, which comprise the Justice Assistance Grant program in fiscal year 2003.

I hope my colleagues will join me and Senators DAYTON and CHAMBLISS in supporting our Nation's law enforcement—and giving them the resources they need to do their jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

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

USA PATRIOT ACT

Mr. BOND. Mr. President, we are all very busily working on appropriations bills, and we are working in committees as individuals and leaders on the terrible tragedy of Hurricane Katrina, and our hearts and our thoughts and prayers go out to all the victims. We know a tremendous amount of work needs to be done, and we are just beginning to see how big it is and how difficult it is going to be. Certainly, the distinguished manager of the bill knows in his own State how terrible this crisis is.

But I believe it is important to issue a cautionary message that as we approach the anniversary of 9/11, we cannot lose sight of the fact that we are still at war and under attack by those who want to end our way of life and destroy our civilization and terrorize our citizens.

I have been asking myself: Are we safe from another terrorist attack on the scale of 9/11? Is the Government doing everything it can to protect us? What can we do better? We have heard recently some very ominous warnings from leaders of al-Qaida that they are preparing another terrorist attack. Obviously, we have to maintain the appropriate means of defense, and we

have done a good job of making it more difficult for terrorists to strike commercial airlines, but we also know, from having seen the attacks in London in July, that terrorists are looking for soft targets.

It is not enough to protect what we know they have attacked in the past. We have to do a better job. I think President Bush was right in saying the best way we can keep our country safe is to carry the war on terror to those countries that harbor terrorists.

I heard some discussion recently about whether we should have gone into Iraq. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Christopher Hitchens in last week's Weekly Standard that lays out in detail, for anybody who is interested, why we had to go into Iraq, why it is the right war. I would incorporate that by reference because that article does a good job of outlining my own beliefs.

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

[From the Weekly Standard, Sept. 5–12, 2005]

A WAR TO BE PROUD OF: THE CASE FOR OVERTHROWING SADDAM WAS UNIMPEACHABLE. WHY, THEN, IS THE ADMINISTRATION TONGUE-TIED?

(By Christopher Hitchens)

Let me begin with a simple sentence that, even as I write it, appears less than Swiftian in the modesty of its proposal: ''Prison conditions at Abu Ghraib have improved markedly and dramatically since the arrival of Coalition troops in Baghdad.''

I could undertake to defend that statement against any member of Human Rights Watch or Amnesty International, and I know in advance that none of them could challenge it, let alone negate it. Before March 2003, Abu Ghraib was an abattoir, a torture chamber, and a concentration camp. Now, and not without reason, it is an international byword for Yankee imperialism and sadism. Yet the improvement is still, unarguably, the difference between night and day. How is it possible that the advocates of a post Saddam Iraq have been placed on the defensive in this manner? And where should one begin?

I once tried to calculate how long the post-Cold War liberal Utopia had actually lasted. Whether you chose to date its inception from the fall of the Berlin Wall in November 1989, or the death of Nicolae Ceausescu in late December of the same year, or the release of Nelson Mandela from prison, or the referendum defeat suffered by Augusto Pinochet (or indeed from the publication of Francis Fukuyama's book about the ''end of history'' and the unarguable triumph of market liberal pluralism), it was an epoch that in retrospect was over before it began. By the middle of 1990, Saddam Hussein had abolished Kuwait and Slobodan Milosevic was attempting to erase the identity and the existence of Bosnia. It turned out that we had not by any means escaped the reach of atavistic, aggressive, expansionist, and totalitarian ideology. Proving the same point in another way, and within approximately the same period, the theocratic dictator of Iran had publicly claimed the right to offer money in his own name for the suborning of the murder of a novelist living in London, and the génocidaire faction in Rwanda had decided that it could probably get away with putting its long-fantasized plan of mass murder into operation.

One is not mentioning these apparently discrepant crimes and nightmares as a random or unsorted list.

Khomeini, for example, was attempting to compensate for the humiliation of the peace agreement he had been compelled to sign with Saddam Hussein. And Saddam Hussein needed to make up the loss, of prestige and income, that he had himself suffered in the very same war. Milosevic (anticipating Putin, as it now seems to me, and perhaps Beijing also) was riding a mutation of socialist nationalism into national socialism. It was to be noticed in all cases that the aggressors, whether they were killing Muslims, or exalting Islam, or just killing their neighbors, shared a deep and abiding hatred of the United States.

The balance sheet of the Iraq war, if it is to be seriously drawn up, must also involve a confrontation with at least this much of recent history. Was the Bush administration right to leave—actually to confirm—Saddam Hussein in power after his eviction from Kuwait in 1991? Was James Baker correct to say, in his delightfully folksy manner, that the United States did not ''have a dog in the fight'' that involved ethnic cleansing for the mad dream of a Greater Serbia? Was the Clinton administration prudent in its retreat from Somalia, or wise in its opposition to the U.N. resolution that called for a preemptive strengthening of the U.N. forces in Rwanda?

I know hardly anybody who comes out of this examination with complete credit. There were neoconservatives who jeered at Rushdie in 1989 and who couldn't see the point when Sarajevo faced obliteration in 1992. There were leftist humanitarians and radicals who rallied to Rushdie and called for solidarity with Bosnia, but who—perhaps because of a bad conscience about Palestine—couldn't face a confrontation with Saddam Hussein even when he annexed a neighbor state that was a full member of the Arab League and of the U.N. (I suppose I have to admit that I was for a time a member of that second group.) But there were consistencies, too. French statecraft, for example, was uniformly hostile to any resistance to any aggression, and Paris even sent troops to rescue its filthy clientele in Rwanda. And some on the hard left and the brute right were also opposed to any exercise, for any reason, of American military force.

The only speech by any statesman that can bear reprinting from that low, dishonest decade came from Tony Blair when he spoke in Chicago in 1999. Welcoming the defeat and overthrow of Milosevic after the Kosovo intervention, he warned against any self-satisfaction and drew attention to an inescapable confrontation that was coming with Saddam Hussein. So far from being an American ''poodle,'' as his taunting and ignorant foes like to sneer, Blair had in fact leaned on Clinton over Kosovo and was insisting on the importance of Iraq while George Bush was still an isolationist governor of Texas.

Notwithstanding this prescience and principle on his part, one still cannot read the journals of the 2000/2001 millennium without the feeling that one is revisiting a hopelessly somnambulist relative in a neglected home. I am one of those who believe, uncynically, that Osama bin Laden did us all a service (and holy war a great disservice) by his mad decision to assault the American homeland four years ago. Had he not made this world-historical mistake, we would have been able to add a Talibanized and nuclear-armed Pakistan to our list of the threats we failed to recognize in time. (This threat still exists, but it is no longer so casually overlooked.)

The subsequent liberation of Pakistan's theocratic colony in Afghanistan, and the so-far decisive eviction and defeat of its bin Ladenist guests, was only a reprisal. It took care of the last attack. But what about the next one? For anyone with eyes to see, there was only one other state that combined the latent and the blatant definitions of both ''rogue'' and ''failed.'' This state—Saddam's ruined and tortured and collapsing Iraq—had also met all the conditions under which a country may be deemed to have sacrificed its own legal sovereignty. To recapitulate: It had invaded its neighbors, committed genocide on its own soil, harbored and nurtured international thugs and killers, and flouted every provision of the Non-Proliferation Treaty. The United Nations, in this crisis, faced with regular insult to its own resolutions and its own character, had managed to set up a system of sanctions-based mutual corruption. In May 2003, had things gone on as they had been going, Saddam Hussein would have been due to fill Iraq's slot as chair of the U.N. Conference on Disarmament. Meanwhile, every species of gangster from the hero of the Achille Lauro hijacking to Abu Musab al Zarqawi was finding hospitality under Saddam's crumbling roof.

One might have thought, therefore, that Bush and Blair's decision to put an end at last to this intolerable state of affairs would be hailed, not just as a belated vindication of long-ignored U.N. resolutions but as some corrective to the decade of shame and inaction that had just passed in Bosnia and Rwanda. But such is not the case. An apparent consensus exists, among millions of people in Europe and America, that the whole operation for the demilitarization of Iraq, and the salvage of its traumatized society, was at best a false pretense and at worst an unprovoked aggression. How can this possibly be?

There is, first, the problem of humorless and pseudo-legalistic literalism. In Saki's short story The Lumber Room, the naughty but clever child Nicholas, who has actually placed a frog in his morning bread-and-milk, rejoices in his triumph over the adults who don't credit this excuse for not eating his healthful dish:

''You said there couldn't possibly be a frog in my bread-and-milk; there was a frog in my bread-and-milk,'' he repeated, with the insistence of a skilled tactician who does not intend to shift from favorable ground.

Childishness is one thing—those of us who grew up on this wonderful Edwardian author were always happy to see the grown-ups and governesses discomfited. But puerility in adults is quite another thing, and considerably less charming. ''You said there were WMDs in Iraq and that Saddam had friends in al Qaeda. . . . Blah, blah, pants on fire.'' I have had many opportunities to tire of this mantra. It takes ten seconds to intone the said mantra. It would take me, on my most eloquent C–SPAN day, at the very least five minutes to say that Abdul Rahman Yasin, who mixed the chemicals for the World Trade Center attack in 1993, subsequently sought and found refuge in Baghdad; that Dr. Mahdi Obeidi, Saddam's senior physicist, was able to lead American soldiers to nuclear centrifuge parts and a blueprint for a complete centrifuge (the crown jewel of nuclear physics) buried on the orders of Qusay Hussein; that Saddam's agents were in Damascus as late as February 2003, negotiating to purchase missiles off the shelf from North Korea; or that Rolf Ekeus, the great Swedish socialist who founded the inspection process in Iraq after 1991, has told me for the record that he was offered a $2 million bribe in a face-to face meeting with Tariq Aziz. And these eye-catching examples would by no means exhaust my repertoire, or empty my quiver. Yes, it must be admitted that Bush and Blair made a hash of a good case, largely because they preferred to scare people rather

than enlighten them or reason with them. Still, the only real strategy of deception has come from those who believe, or pretend, that Saddam Hussein was no problem.

I have a ready answer to those who accuse me of being an agent and tool of the Bush-Cheney administration (which is the nicest thing that my enemies can find to say). Attempting a little levity, I respond that I could stay at home if the authorities could bother to make their own case, but that I meanwhile am a prisoner of what I actually do know about the permanent hell, and the permanent threat, of the Saddam regime. However, having debated almost all of the spokespeople for the antiwar faction, both the sane and the deranged, I was recently asked a question that I was temporarily unable to answer. ''If what you claim is true,'' the honest citizen at this meeting politely asked me, ''how come the White House hasn't told us?''

I do in fact know the answer to this question. So deep and bitter is the split within official Washington, most especially between the Defense Department and the CIA, that any claim made by the former has been undermined by leaks from the latter. (The latter being those who maintained, with a combination of dogmatism and cowardice not seen since Lincoln had to fire General McClellan, that Saddam Hussein was both a ''secular'' actor and—this is the really rich bit—a rational and calculating one.)

There's no cure for that illusion, but the resulting bureaucratic chaos and unease has cornered the president into his current fallback upon platitude and hollowness. It has also induced him to give hostages to fortune. The claim that if we fight fundamentalism ''over there'' we won't have to confront it ''over here'' is not just a standing invitation for disproof by the next suicide-maniac in London or Chicago, but a coded appeal to provincial and isolationist opinion in the United States. Surely the elementary lesson of the grim anniversary that will shortly be upon us is that American civilians are as near to the front line as American soldiers.

It is exactly this point that makes nonsense of the sob-sister tripe pumped out by the Cindy Sheehan circus and its surrogates. But in reply, why bother to call a struggle ''global'' if you then try to localize it? Just say plainly that we shall fight them everywhere they show themselves, and fight them on principle as well as in practice, and get ready to warn people that Nigeria is very probably the next target of the jihadists. The peaceniks love to ask: When and where will it all end? The answer is easy: It will end with the surrender or defeat of one of the contending parties. Should I add that I am certain which party that ought to be? Defeat is just about imaginable, though the mathematics and the algebra tell heavily against the holy warriors. Surrender to such a foe, after only four years of combat, is not even worthy of consideration.

Antaeus was able to draw strength from the earth every time an antagonist wrestled him to the ground. A reverse mythology has been permitted to take hold in the present case, where bad news is deemed to be bad news only for regime-change. Anyone with the smallest knowledge of Iraq knows that its society and infrastructure and institutions have been appallingly maimed and beggared by three decades of war and fascism (and the ''divide-and-rule'' tactics by which Saddam maintained his own tribal minority of the Sunni minority in power). In logic and morality, one must therefore compare the current state of the country with the likely or probable state of it had Saddam and his sons been allowed to go on ruling.

At once, one sees that all the alternatives would have been infinitely worse, and would most likely have led to an implosion—as well as opportunistic invasions from Iran and Turkey and Saudi Arabia, on behalf of their respective interests or confessional clienteles. This would in turn have necessitated a more costly and bloody intervention by some kind of coalition, much too late and on even worse terms and conditions. This is the lesson of Bosnia and Rwanda yesterday, and of Darfur today. When I have made this point in public, I have never had anyone offer an answer to it. A broken Iraq was in our future no matter what, and was a responsibility (somewhat conditioned by our past blunders) that no decent person could shirk. The only unthinkable policy was one of abstention.

Two pieces of good fortune still attend those of us who go out on the road for this urgent and worthy cause. The first is contingent: There are an astounding number of plain frauds and charlatans (to phrase it at is highest) in charge of the propaganda of the other side. Just to tell off the names is to frighten children more than Saki ever could: Michael Moore, George Galloway, Jacques Chirac, Tim Robbins, Richard Clarke, Joseph Wilson . . . a roster of gargoyles that would send Ripley himself into early retirement. Some of these characters are flippant, and make heavy jokes about Halliburton, and some disdain to conceal their sympathy for the opposite side. So that's easy enough.

The second bit of luck is a certain fiber displayed by a huge number of anonymous Americans. Faced with a constant drizzle of bad news and purposely demoralizing commentary, millions of people stick out their jaws and hang tight. I am no fan of populism, but I surmise that these citizens are clear on the main point: It is out of the question—plainly and absolutely out of the question—that we should surrender the keystone state of the Middle East to a rotten, murderous alliance between Baathists and bin Ladenists. When they hear the fatuous insinuation that this alliance has only been created by the resistance to it, voters know in their intestines that those who say so are soft on crime and soft on fascism. The more temperate anti-warriors, such as Mark Danner and Harold Meyerson, like to employ the term ''a war of choice.'' One should have no problem in accepting this concept. As they cannot and do not deny, there was going to be another round with Saddam Hussein no matter what. To whom, then, should the ''choice'' of time and place have fallen? The clear implication of the antichoice faction—if I may so dub them—is that this decision should have been left up to Saddam Hussein. As so often before.

Does the President deserve the benefit of the reserve of fortitude that I just mentioned? Only just, if at all. We need not argue about the failures and the mistakes and even the crimes, because these in some ways argue themselves. But a positive accounting could be offered without braggartry, and would include:

(1) The overthrow of Talibanism and Baathism, and the exposure of many highly suggestive links between the two elements of this Hitler-Stalin pact. Abu Musab al Zarqawi, who moved from Afghanistan to Iraq before the coalition intervention, has even gone to the trouble of naming his organization al Qaeda in Mesopotamia.

(2) The subsequent capitulation of Qaddafi's Libya in point of weapons of mass destruction—a capitulation that was offered not to Kofi Annan or the E.U. but to Blair and Bush.

(3) The consequent unmasking of the A.Q. Khan network for the illicit transfer of nuclear technology to Libya, Iran, and North Korea.

(4) The agreement by the United Nations that its own reform is necessary and overdue, and the unmasking of a quasi-criminal network within its elite.

(5) The craven admission by President Chirac and Chancellor Schröder, when confronted with irrefutable evidence of cheating and concealment, respecting solemn treaties, on the part of Iran, that not even this will alter their commitment to neutralism. (One had already suspected as much in the Iraqi case.)

(6) The ability to certify Iraq as actually disarmed, rather than accept the word of a psychopathic autocrat.

(7) The immense gains made by the largest stateless minority in the region—the Kurds—and the spread of this example to other states.

(8) The related encouragement of democratic and civil society movements in Egypt, Syria, and most notably Lebanon, which has regained a version of its autonomy.

(9) The violent and ignominious death of thousands of bin Ladenist infiltrators into Iraq and Afghanistan, and the real prospect of greatly enlarging this number.

(10) The training and hardening of many thousands of American servicemen and women in a battle against the forces of nihilism and absolutism, which training and hardening will surely be of great use in future combat.

It would be admirable if the president could manage to make such a presentation. It would also be welcome if he and his deputies adopted a clear attitude toward the war within the war: in other words, stated plainly, that the secular and pluralist forces within Afghan and Iraqi society, while they are not our clients, can in no circumstance be allowed to wonder which outcome we favor.

The great point about Blair's 1999 speech was that it asserted the obvious. Coexistence with aggressive regimes or expansionist, theocratic, and totalitarian ideologies is not in fact possible. One should welcome this conclusion for the additional reason that such coexistence is not desirable, either. If the great effort to remake Iraq as a demilitarized federal and secular democracy should fail or be defeated, I shall lose sleep for the rest of my life in reproaching myself for doing too little. But at least I shall have the comfort of not having offered, so far as I can recall, any word or deed that contributed to a defeat.

Mr. BOND. But more important, we cannot just play defense against the terrorists. We have to collect more and better information. We have to get information on the location and activities of the next attack that is being planned. Unless we do a good job of that, we cannot have a good chance of stopping the next major terrorist attack on the United States.

I believe one part of that vital solution is found in a robust USA PATRIOT Act that would continue to provide national security investigators with the tools needed to continue to keep our country safe.

The PATRIOT Act has been the subject of national controversy and has undergone many unsubstantiated attacks by its opponents. But the fact is that the PATRIOT Act saved lives, and its original content must be preserved. We need to continue to focus on making sure we have the intelligence and the investigative resources necessary to protect against further attacks. We not only need to make permanent the provisions that are already in law, but we also must modify the current House

version to include expanded authorities needed by national security investigators.

The men and women who are fighting the war on terror every day here at home say that without the PATRIOT Act, many of our Nation's most important successes would not have been possible. It addressed critical vulnerabilities in the pre-9/11 homeland defense posture. For example, it allowed national security investigators, pending a court's approval, to obtain and use a multiple wiretap to track a suspect's phone communications, even when a terrorist switches, changes, or abandons phones to avoid detection, a common terrorist tactic.

Specifically, according to senior law enforcement officials, during the summer of 2002, the act allowed our Nation's law enforcement intelligence communities to break up the Portland Seven terrorist cell. Members of that cell had traveled to Afghanistan in 2001 and 2002 to join the Taliban and al-Qaida against the United States.

In 2004, the act was used to protect the El Paso Islamic Center. When Jared Bjarnason sent an e-mail threatening to burn the center to the ground if hostages in Iraq were not freed, the FBI used provisions of the PATRIOT Act to identify him as the source of the threat. Without the provisions in that act, it would have taken 30 days to obtain a string of needed search warrants, while the threat of attack was only 3 days away.

Why is it that we need to make permanent several of the acts's provisions? Why do we need to modify proposed legislation to enhance further the ability of our Nation's law enforcement authorities? Some may argue: If it ain't broke, then don't fix it. But I am a show-me Missourian, and I can tell you that making permanent these provisions is very important.

Terrorism is the operative challenge we face. Over the last 4 years since 9/11, we have seen terrorism and specifically violent Sunni extremists waging war against us and our allies, led and inspired by Osama bin Laden and his lieutenant Ayman Al-Zawahiri. They are not a static, monolithic, or predictable enemy. They do not have a country. They are not identifiable as a nation or a state. They are a combination of stateless hierarchical and formalistic structures, equally lethal and fragmented. Because of the traits in the cultural and religious complexities, they are not predictable, quantifiable, or vulnerable to penetration. We have seen this in the Intelligence Committee, and we know that there is a great danger out there that we must continue to work to avoid.

These groups are highly organized and disciplined. They are inspired by bin Laden and Ayman Al-Zawahiri. They have been led, trained, and funded by graduates of al-Qaida training centers. Our enemy is determined to win. It is committed to victory. We cannot afford just to be hopeful.

As CIA Director James Woolsey once said: It is as if we were fighting with the dragon for some 45 years, slew the dragon, and then found ourselves in a jungle of poisonous snakes. The snakes are a lot harder to keep track of than the dragon ever was.

The PATRIOT Act is designed to be preventive. We know that the terrorists want to bleed us. Unfortunately, we have seen the blasphemy of Osama bin Laden taking the God of Abraham and claiming:

> Allah willing, and nothing is too great for Allah.

This videotape was just released. And more recently his deputy, Ayman Al-Zawahiri, released a message saying:

> The land and interests of the countries which took part in the aggression against Palestine, Iraq, and Afghanistan are targets for us. If you continue your politics against Muslims, you will see, God willing, such horror that you will forget the horrors of Vietnam.

This is the same kind of challenge and the same kind of threat we saw before 9/11. This, I am saying, requires us to be even more attuned and prepared for a potential terrorist attack.

I also note that in the recent BRAC proposals, we have gotten rid of many of the Air National Guard's air national defense missions. On 9/11, the Air National Guard flew 90 percent of the first 400 combat air patrols after the first 24 hours of the attack. We need to rethink our dismemberment of those critical assets.

Mr. President, I thank my colleagues for their indulgence. We are still facing a danger that we cannot overlook as we deal with the very real and certain tragedies of Katrina. I hope we will be able to continue our efforts to make sure that our law enforcement and intelligence agencies have the kind of resources they need to root out, to ferret out, to discover and, we hope, to defend against future terrorist attacks.

I thank the Chair and my colleagues, the managers of the bill. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

SENATE RESPONSE TO HURRICANE KATRINA

Mr. McCONNELL. Mr. President, in times of catastrophe, when destruction, suffering, and death are so overwhelming that it breaks your heart and almost leaves you numb, it is comforting to find that an outpouring of generosity, kindness, and help from our fellow man restores our faith and strengthens our souls.

With all the destruction wrought by Hurricane Katrina, we see more and more acts of extraordinary generosity and kindness. In Louisville, Kentucky, my hometown, we are preparing right now to receive over 500 evacuees who have lost their homes due to Katrina. With all their worldly possessions gone, they are reliant on the kindness and generosity of their fellow Americans, and we are finding all across the country that kindness and generosity is certainly not lacking.

Red Cross volunteers in Louisville are working around the clock to turn the city's fairgrounds into a temporary shelter. At home, over 300 families turned out to shower donations on a local Salvation Army center. One man alone brought over 6,000 diapers. Others are bringing basic necessities such as soap, toothpaste, and towels.

This spirit of generosity for our fellow man is by no means limited to the Commonwealth of Kentucky. Across America, we have all seen pictures or heard stories over the last several days of millions of total strangers reaching out to help their fellow citizens who have been displaced by the tragic events on the Gulf Coast. We see Girl Scouts filling old backpacks with clothes, blankets and, yes, a stuffed animal for children who have lost everything. We hear of Boy Scouts collecting food and clothes, as well as raising funds for the Red Cross, the Salvation Army, and other aid organizations. Businesses small and large have opened their hearts, wallets, and warehouses to provide cash as well as in-kind aid. Churches of all denominations have taken up the cause of their brother's keeper.

Thanks to the support of so many Americans, the thousands of people from Louisiana, Mississippi, and Alabama affected by Katrina will have a chance to build new lives. Of course, local, State, and Federal Government has the major role to play at this point. I am pleased we were able to act quickly last week and pass a $10.5 billion appropriation for emergency response and recovery efforts. We are going to pass later today, hopefully, another $51.8 billion in assistance, and more will be on the way if and when that is needed.

Our thoughts and prayers are with our fellow Americans who have tragically lost loved ones and with many others who have lost their homes and all of their worldly possessions. The Senate must focus on the immediate task before us of providing support for the relief, recovery, and rebuilding of the Gulf Coast region.

While we have much important work to do in the days and weeks ahead, we can take some comfort that, once again, in the midst of a tragedy, the worst of times seems to bring out the best in our people. So let us appreciate the people of Louisville, of Atlanta, Houston, Baton Rouge, and all over the country who are reaching out to help Katrina's victims all across the Gulf States. While one person alone may make little difference in comparison to the magnitude of this disaster, millions of individual acts of compassion taking place all over our country will go a long way to alleviate the suffering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, are we still in morning business?

The PRESIDING OFFICER. The Senate is considering the appropriations bill for Commerce-Justice-Science.

AMENDMENT NO. 1661

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that I may send an amendment to the desk and ask for its consideration.

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1661.

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

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

The amendment is as follows:

(Purpose: To provide emergency funding for victims of Hurricane Katrina)

At the end of the bill, insert the following:

TITLE VII—EMERGENCY RELIEF FOR VICTIMS OF HURRICANE KATRINA

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for fiscal year 2006 and designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) ENHANCING STATE AND LOCAL LAW ENFORCEMENT.—$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) $700,000,000 added to the Hiring section.

(B) $300,000,000 to the Interoperable Communications Technology section.

(2) ASSISTING CHILDREN IMPACTED BY HURRICANE KATRINA.—Under the Missing Children Program, $10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) ASSISTING VICTIMS OF SEXUAL ABUSE AND DOMESTIC VIOLENCE.—Under the Violence Against Women Act function, $8,000,000 for the Office of Violence Against Women to assist victims of domestic violence and sexual abuse in the areas impacted by Hurricane Katrina in the following amounts:

(A) $2,000,000 for the Rape Abuse and Incest National Network (RAINN) to rebuild crises centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.

(B) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of statewide coalitions.

(C) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the assessment of the statewide coalitions, and that the statewide coalitions can assess those needs.

Mr. BIDEN. Mr. President, I have a number of points to make today. The bottom line of what I am proposing is an amendment to the Commerce-Justice-Science appropriations bill relating to law enforcement and COPS. The bottom line is—and I will explain this briefly—No. 1, I propose adding $1.019 billion to assist local law enforcement, support victims of domestic violence and sexual assault, and deal with some aspects of the impact of the hurricane on local law enforcement.

No. 2, this amendment contains $1 billion for the Office of Community Oriented Policing Services, the so-called COPS Program. It provides $700 million for hiring local officers, and it provides $300 million for interoperable communications equipment for local agencies. If you ever need any evidence of the fact that we need that equipment and need more of it, I think Katrina has demonstrated that, unfortunately, fairly well.

It also contains $10 million for the National Center for Missing and Exploited Children to help find and reunite children displaced by Hurricane Katrina, and it has $9 million to support victims of domestic violence and sexual assault impacted by what happened during this crisis.

It sounds like a lot of money—and it is a lot of money—but we have made a serious mistake relating to our domestic security, our homeland security, and our need to deal with the looming threats that flow from not only national disasters we are facing now—and I hope we don't face another like this—but the terrors spoken about by my friend from Missouri.

In 2002, we were aiding local law enforcement collectively by $2.4 billion a year. Although there has been some correction made, this administration proposed cutting that direct aid to local law enforcement down to $168 million. I find that mind-boggling. I find that as misplaced and misunderstood a representation as I do cutting money for levees and cutting money for the Corps of Engineers, as we have done the last 4 years. This is an attempt to not restore all but restore part of the assistance we provided for local law enforcement in the past.

The devastation caused by Hurricane Katrina has revealed the best and the worst about our great Nation. It has revealed a great economic divide that exists among our citizens, while it demonstrated as well the capacity of the majority of our citizens to be compassionate and even heroic during times of great need. It also exposed the demons of some who will use any opportunity to prey on the weak.

The hurricane also demonstrated the best and the worst in our Government. It is clear by all accounts that the Federal response was insufficient, and we will be discussing that in the coming days, weeks, and months to hopefully address the concerns so that, God forbid, faced with this or an attack, we would not go through the same degree of incompetence that seems to have been spread across the governmental front.

It also demonstrates clearly to me we have to do more to support State and local law enforcement officials. These men and women, in my opinion, demonstrated the best the Government had to offer, as opposed to the sudden incompetence we have seen. The men and women in Biloxi, New Orleans, and other police departments in the region have been working 24 hours a day. Many of them have lost their homes, and their families have been displaced. They have been working with limited food and water.

Many of them do not even have the facilities to take a shower and use a restroom. Lieutenant Bennelli of the New Orleans Police Department stated:

I spent a year in Vietnam. The ordeal that these officials have gone through has been as trying as the time I spent in Vietnam.

For everyone who argues that—and I hear this a lot around here these days—local law enforcement is a local problem, they should take a look at what is happening in the Gulf States. I know many of my colleagues—and I respect my colleagues who have this view, but they are into this devolution of Government stuff, the new paradigm they like to talk about. They talk about the new paradigm in foreign policy. They talk about a new paradigm in local law enforcement in terms of devolution of Government. Translated, that means the only thing the Federal Government should do is those things which no State can do. Or put another way, if the State can do any of what is required to meet the needs of their citizens, only the State should do it.

From men and women on this floor who are equally as adamant about fighting crime as I have been in my years, they are saying they support eliminating the COPS Program. Why? They say it is not the business of the Federal Government. The Federal Government should not be involved in local law enforcement.

Well, I like to point out that 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, the sale of drugs, illicit drugs. Is that a State responsibility or does not that stuff come across the border? Does not that stuff come from the Andes? Does not that stuff come from Afghanistan? Does not that stuff come from abroad? We can have the best police department, the most significant—and I think we have the best law enforcement agencies in the Nation in the State of Delaware, and you cannot stop the drugs coming down from Aramingo Avenue in Philadelphia. They cross State lines. So I respectfully suggest to the devolution-of-Government guys that Federal responsibility exists as it relates to local crime and local law enforcement.

I would like to point out another thing. God forbid we have an attack. Let us assume—and it was not, but let us assume some divers were planting explosives to blow up the levees along the Mississippi as opposed to Lake Pontchartrain, which by the way is a lot higher. Who is going to find them? Is it going to be some brave special

forces officer in night vision goggles watching this happen and they are going to capture them or is it going to be my son who is now in the National Guard down in Gulfport, MS, patrolling the streets? Is he the one going to be doing that? No, it is going to be a local cop.

Who is going to find the guy or the woman or the terrorist who is going to try to put sarin gas into the Houston Astrodome or a giant shopping mall? It is going to be some cop coming from Dunkin' Donuts riding behind the facility catching someone in a dumpster.

I do not know what we are thinking about here. Cutting local law enforcement moneys? Forget Katrina, which only makes the point more starkly, but forget it for a moment. What are we doing? We had a great President named Reagan who said, if it ain't broke, don't fix it.

Guess what. Nobody has argued the COPS Program has not succeeded. No one has argued it has failed. A former Attorney General said, when it was time to eliminate it, I think the word he used was miraculous, it has been a miraculous program.

Let us cut it? Let us eliminate it?

I would make the suggestion that law enforcement is not purely a local problem. Look at what is happening in the Gulf States right now. Law enforcement is a national concern and requires a national response and a national commitment. Local communities need robust police departments. They need superior communication technology and equipment. I know my friends in the Commerce Committee know more about the spectrum fight, which I will not get into now, than most do, but the idea that there is not sufficient spectrum available to our first responders because the broadcast industry is unwilling to commit to the deal they made is beyond me.

Local communities are the ones that not only affect the overall security of the country but the day-to-day lives of their citizens by reducing crime. This also helps local governments be better at responding in periods of crisis. What could be more important to the national priority than the safety of our citizens?

We simply have not been doing right by our States and local government partners over the past few years. Throughout the 1990s we allocated billions of dollars to hire local law enforcement, provided them with the technology they needed. We all know the story. Reduce crime each year for 8 consecutive years and we are still reaping the benefits of those successes as crime rates still go down.

I would like to point out one other simple fact. Having chaired the Judiciary Committee or been its ranking member for I think 17 years and being on that committee for 30 years, to the best of my knowledge, there is no other time in American history when the cadre of those in their crime-committing years, meaning young people between the ages of 14 and 25, have increased and violent crime has gone down. This program has worked because the States have made it work. We reduced crime, as I said, 8 years in a row. But we did more than reduce crime by this legislation we have cut so drastically. We also demonstrated a commitment to local agencies. We increased their capacity to respond to any situations of the local communities.

In this year's budget, we have allocated only $2 million to hire police officers. This amount will hire approximately 25 officers throughout the Nation, hardly a ringing endorsement of our local agencies. Right now, the COPS office has pending applications to hire 8,000 local officers left unfilled due to lack of funds. The amendment I am offering today would provide $700 million to immediately fill these needs with special emphasis on filling the needs of those agencies in the devastated regions. The New Orleans Police Department in particular will need special assistance. If this funding is allocated to the COPS office, it should work with those agencies first.

We also know that network capabilities of agencies in the area have been destroyed. We need to help them get those networks back on line so they can continue to do their job. My amendment would add $300 million to the current allocation of $37 million, which is all that has been allocated. It would add $300 million to help agencies in the gulf coast get up and running again. The COPS office has had an overtime program to help local agencies pay overtime. We all understand the need to assist local agencies that have been working around the clock, but based on conversations with the Louisiana Association of Chiefs of Police and the National Sheriffs Association, it is my understanding that the Federal Emergency Management Agency will be reimbursing local agencies for those costs. Because of this understanding, we have not included additional assistance for overtime in this amendment.

Finally, we include $19 million for children who have been displaced and to support the domestic violence shelters that have been destroyed. The National Center for Missing and Exploited Children has reported that over 1,000 children have been displaced by this storm—that means they are not with their parents or guardians—and in this amendment we provide $10 million for that effort.

We also provide $9 million to support domestic violence victims impacted by the storms. We all heard of the reports of sexual assaults in the aftermath of Hurricane Katrina, and we will support those victims who have not been moved to new shelters.

In addition, this funding will support the shelters in Louisiana, Mississippi, and Alabama that have been impacted and will help support shelters in adjoining States that have been called upon to do much more in the coming months.

I think all of my colleagues have heard me say that I believe there is not a more important responsibility in Government than the safety of its citizens. It comes before their health, before their education, before everything. There are no civil liberties, there are no opportunities if one is not able to be safe on the street. Without safety and security, nothing else matters. Our local law enforcement agencies are there every day fighting crime and responding to emergencies. Hurricane Katrina demonstrated quite starkly the way we rely on them. The Federal support for these officers has been on a steady decline, as I said at the outset, the past few years. We need to reverse that trend. This amendment will help us get back on track.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Could I ask what the parliamentary situation is?

The PRESIDING OFFICER. The Commerce, Justice, Science appropriations bill is pending.

Mr. SARBANES. I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

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

AMENDMENT NO. 1662

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 1662.

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

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

The amendment is as follows:

(Purpose: To assist the victims of Hurricane Katrina with finding new housing, and for other purposes)

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the ''Helping to House the Victims of Hurricane Katrina Act of 2005''.

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

''(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

''(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

''(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

''(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

''(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

''(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

''(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

''(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

''(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

''(vi) subsection (r)(1)(B), relating to restrictions on portability.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

''(i) shall be made available by the Secretary to individuals to cover the cost of—

''(I) rent;

''(II) security and utility deposits;

''(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(IV) such additional expenses as the Secretary determines necessary; and

''(ii) shall be used by the Secretary—

''(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

''(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

''(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

''(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

''(i) terminate 6 months after the date on which such assistance was received; and

''(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

''(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

''(i) the additional cost of rent and utilities;

''(ii) security and utility deposits;

''(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(iv) such additional expenses as the Secretary determines necessary.

''(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

''(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

''(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

''(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

''(A) directly administer any voucher program described in paragraphs (1) through (20); and

''(B) perform the functions assigned to a public housing agency by this subsection.''.

(c) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. SARBANES. Mr. President, I am pleased to join the leadership of Senator REID and Senator LANDRIEU who have announced a package of proposals to be of assistance to the Hurricane Katrina victims so that the millions of people affected by the devastation along the gulf coast can begin to rebuild their lives.

The amendment which I have sent to the desk is only part of that broader proposal and deals with the housing situation which now confronts the victims of this tragic storm. Before going into the details of the proposal, I want to extend my deepest sympathies to those in Louisiana, Alabama, and Mississippi who have lost loved ones or who are still searching for family members, neighbors, and friends. They need to know that the thoughts and prayers of the country are with them during these very difficult and trying times. We know that hundreds and hundreds of thousands of Americans have lost their houses, their jobs, their belongings, indeed, their communities.

An effort is now underway in the Congress to come to their assistance. We know the road to recovery will not be easy and it will not be short, but we need to undertake these efforts immediately.

It was earlier estimated this week by FEMA officials and told to the President that 500,000 to a million people were rendered homeless by Hurricane Katrina and the deadly floods that followed the hurricane. In fact, yesterday's New York Times reported that as many as a million people are without housing. While the first job was to evacuate people, to get them food and water and to address their medical needs, in other words, to in effect save the lives of those who have been so heavily impacted, I think it is fair to say that the next job confronting us would be to find adequate housing for the survivors of Katrina.

The Americans displaced by the hurricane are scattered throughout the country now. I want to underscore the comments made by some of my colleagues earlier about the opening up of the arms of Americans across the country to take people in in this time of

emergency and the great need. Families coming out of the gulf coast are in effect living wherever they can find a roof over their heads, with relatives, with friends, with caring strangers who have volunteered to take them in, in shelters—for example, Houston opened up the Astrodome—on cruise ships or in tents. It is fair to say if one stops and thinks about this for a moment it is, at best, a temporary housing situation.

The hundreds of thousands of displaced families need to have access to stable housing so they can send their kids to school, start pulling their lives back together again, which is, of course, a pressing challenge, seek employment and chart out a future for themselves.

This amendment, recognizing the overwhelming need for stable housing, proposes an emergency housing voucher program of $3.5 billion, which would provide temporary rental assistance to more than 350,000 displaced families. It eliminates—I should say more accurately suspends for a limited period of time—many of the requirements and the restrictions that ordinarily apply to the housing voucher program. For example, any person or family displaced as a result of Hurricane Katrina would be eligible to receive this much needed assistance; they could get a temporary housing voucher. This is without regard to their income situation. It recognizes the storm hit rich and poor alike and this is an effort to give them some immediate, short-term help so they can move out of the situation in which they find themselves.

The temporary rental vouchers would quickly and efficiently move families into stable housing across the country in the communities to which they have relocated. So it would give them an opportunity, with the voucher that would come to them, to find housing for themselves and their families. They could move out of the shelters. They could move out of temporary facilities. They could cease to live with relatives, friends or, indeed, strangers.

The rental assistance will be flexible and it will be easy to use. It will have payments sufficient so they can find suitable housing. The funds provided could be used anywhere in the country by those who have been impacted by the hurricane whose situation was created by the hurricane to pay for rent, security deposits, relocation expenses and moving expenses back to the affected areas at the appropriate time. So, if and when the time comes, they could return to their homes if that was the choice.

The assistance would be available for an initial period of 6 months. It is limited. A further 6 months is available, an extension, unless the Secretary of the U.S. Department of Housing and Urban Development finds that the assistance is no longer needed. But the maximum extent of these temporary housing vouchers would be 1 year. It would be 6 months, with a possibility of an extension.

The emergency program would be administered by HUD, which could operate the vouchers directly or provide the vouchers to local housing agencies, State and local governments or other entities, so long as the vouchers get out quickly to those in need.

We have a complicated problem here because the public housing authorities, of course, are locally based. The ones in areas where the people have been displaced are, in effect, out of business. There is no housing there by definition, since people have had to evacuate and leave. These people have now been moved to different parts of the country. We need to be able to get these vouchers to them and get them to them quickly.

We know people want to return to their neighborhoods, but it will probably be months before that is at all possible. Ordinarily, FEMA provides trailers and other housing after a disaster. That is how ordinarily it works. But the magnitude and scope of this disaster is unprecedented. FEMA has never had to deal with something of this magnitude, and it was the judgment, in putting this amendment together, that HUD had an expertise with respect to these rental vouchers. The emergency is a new dimension for HUD, but we thought that they have trained staff and could take over this responsibility and move it forward quickly.

I might note that the Secretary of Housing and Urban Development, Secretary Jackson, earlier in his career, has had very extensive experience directing public housing authorities—in Washington, DC; St. Louis, MO, and in Dallas, TX. So he has had a lot of experience actually on the ground with respect to housing. We think he could marshal the Department and its staff to respond in this situation.

This only begins to deal with the problem. I do not begin to assert that this represents a total or comprehensive solution to the housing challenge. But it enables us to get underway. Any family displaced by the hurricane would be eligible to receive a temporary voucher to pay for renting safe and decent housing, pay for rent, security, utility deposits, relocation expenses, and then eventually, we hope, moving expenses back to their permanent homes. These vouchers could be used anywhere across the country. It would not require a certification of income initially in order to get the voucher, and the families would be relieved of paying the rent, their portion of the rent which is required under the regular voucher program, until family members return to work. Once they return to work, the tenants would have to pay rental payments, as they do in the regular housing voucher program.

We are trying to cover all the bases here. We are trying to be very sensitive to the problem. We are trying to look at the problem through the eyes of those who have been struck by the hurricane, in terms of how they see it.

These people are now there. All kinds of makeshift housing is being found for them. But that, even on a temporary basis, does not represent an appropriate response. So we want to move them a little further down the path toward having a more normal living situation. We ease up a little bit about the amount of rent they can pay. We allow it to go a bit above the median instead of having to be below the median because we know finding rental units will be a difficult job.

As I said, this gives authorities to HUD they do not now have to directly administer the program so they can reach out to these former residents of the gulf coast who are now scattered out across the country. They can work with the housing agencies, State and local governments, and other entities. As I noted, it has a limited time provision. So it would enable us to, in effect, provide all of these people who have had to leave their homes an opportunity to put some stability into their lives. So they could then go on and deal with the other problems that are confronting them—the problems of getting their kids back in school, the problems of employment, the problems of meeting all of the other pressures that have come before us. But we have moved these people out. Some are being held in shelters. Others are being dispersed. But what is the next step for them? We think this represents the next step.

It is a targeted approach. The authorities it gives are temporary. The limitations and restrictions it eases and removes are done on a temporary basis, so it is not permanent in its eventual impact. But it does provide, for the next 6 to 12 months, a degree of stability and a degree of permanence which I think is very important in enabling the people who have been struck by this tragedy to help put their lives back together again. I very much hope, when the appropriate time comes, my colleagues will support this proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I wish to comment on the amendment that has been offered by the senior Senator from Maryland, the ranking member on Housing on the housing voucher program. I want very much to support his amendment because I think it is absolutely crucial that we do this.

There are people who are living under three basic circumstances. No. 1, some are shelters, which is emergency housing. God bless all of the communities, the Red Cross, the people of Texas, and everywhere that have provided shelter housing. But shelter housing is for an

emergency situation, and people do need to move to stable housing.

Then there are those people who did evacuate. They might be of modest means, they might be of middle-class means, but they have been living in hotels and motels along the way. They have been living off of their credit cards. They are now out of money, they are out of gas, and they wonder what to do next. They need to be able to move into housing. Also, in order to be able to get a job, you need an address. In order to get a benefit, you need an address.

Then there is the third group of people who have been embraced by churches, who are living maybe with strangers or even living with relatives. But for many people, their relatives are also on a tight budget, living on a shoestring or a small pocketbook. We have had generosity of spirit, generosity of heart, and even generosity of wallet. But that is limited until people can move into other types of housing.

In this case, as someone who once was an appropriator for HUD, we need so-called housing vouchers, known as Section 8, for either the poor or the elderly. Because of what has happened, everyone is poor and stretched to the limit, with no income. They need help. I believe this program offers both the reimbursement—the voucher—and also enough constraints so that it is not a lavish giveaway program.

The point I also want to make is that housing is really limited, even temporary housing. My colleague, Senator SARBANES, has spoken about FEMA and its trailers. We know about FEMA and its trailers because we were hit by Hurricane Isabel. We were absolutely grateful for them. But when I heard the FEMA trailers were coming to the Eastern Shore or Bailey's Quarters or to Miller Island, I thought they were trailers—almost a version of a manufactured home. When I went to see them and meet with the people in them, they were campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers you see for an overnight and they are very limited and they are also very expensive to heat or to air condition. But, thank God when they come.

Yesterday I spoke to one of the leading private-sector people who has a substantial number, whose corporation has a substantial number of employees in both Louisiana and Mississippi.

They tried to rent trailers and RVs to take out to their employees. They were going to get hold of them and lease them—or almost rent free—to their employees so the employees would have a place to work. They would know where those employees were, and begin to put them back to work.

Guess what. They couldn't find any. Practically every trailer and every RV in America is on its way down to the gulf. They have already been purchased or leased. We think that is great. This is a private sector corporation with deep pockets which is trying to jump in to help.

We have a sense of the magnitude of the crisis. These vouchers will add an ''R'' to what we need when we talk about emergency management response. I helped to form FEMA. I will not talk about that today. We have a reformed FEMA that went over to the Department called Homeland Security.

I believe when it did that, it lost its focus. But we had three ''R's'' we practiced: readiness, response and recovery. I am going to add a fourth ''R''—reimbursement. We have to reimburse these communities that are taking in people.

Look at Texas and other communities. I know your community, Mr. President, has been very generous. Again, we salute you. But we can end up in compassion fatigue and we need to have a government safety net.

I think this voucher will do a lot. I think it will also do a lot for mental health. If you have your own kitchen, your own stove, your own address, and your children can go to school, not at a shelter—though God bless the shelters—I think it will do a lot to begin to restore people's sense of stability.

I think this is a very good idea. It is temporary. It is time limited, both in terms of the flexibility of the rent, and so on. I think it will go a long way to using the private marketplace and the private sector and also be able to reimburse other nonprofits that are already also finding housing.

I salute my colleagues and the leadership for doing this, and I look forward to supporting it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to take some time to review the situation we have seen in front of us for the last week. It was a terrible week for our country. One only had to listen to the eloquent remarks given by the Senator from Louisiana, Ms. LANDRIEU. She described in very moving words and tones what kinds of things she personally witnessed and that went on in the State of Louisiana, particularly New Orleans. We all have to learn from that experience. We have to be ready for any eventuality.

The American people watched in horror and disbelief as this incredible tragedy played out on live television in Louisiana, Mississippi, and Alabama. For most of us, it was from the safety of our homes or businesses that we watched with horror our fellow Americans suffering unbelievable loss and pain.

The worst part is, as we watched this tragedy evolve, with thousands being displaced from their homes and families, without a significant response, why did they suffer so long before appropriate action was put into place? That is because the Federal Government was not prepared. How could the administration not have been prepared for this? We had advance warning that a major disaster was looming. We see this picture. It tells you what is happening. Sunday, August 28, the swirl of the wind and the ferocity of the action is almost enough to frighten you just looking at this picture.

August 28, Sunday, Katrina became a massive hurricane, a category 5. It was in the Gulf of Mexico headed right for a large American city—a city with tradition and history that all of us relate to. Actually, however, this city sat below sea level—New Orleans. The mayor of New Orleans on that Sunday ordered a mandatory evacuation of the city. This wasn't news, friends. No. This was obvious. You were going to get a punch in the face like you never had before, and your opponent was standing full fist in front of you.

Massive flooding was predicted before the storm hit. At 6 a.m. Monday morning, Hurricane Katrina and its storm surge hit greater New Orleans and the Mississippi coast. About 80 percent of the city's residents were able to flee. Others, especially the elderly, the infirm, and the poor were left behind.

Also, on Monday, the 17th Street levee in New Orleans broke, and water flooded the city.

One only needs to ask our junior Senator from Mississippi about the wave of water that destroyed his house. He told me it was 26 feet high. That is more than two stories. Levees gave way, and floodwaters quickly overtook homes. Residents scrambled for their lives, seeking refuge on rooftops. We all saw the vivid pictures of the heroic Coast Guard rescue putting people in baskets, or hanging onto them, around their necks, to get them out of the way of the oncoming flood. More than 30 elderly residents of a nursing home died in that rapidly rising tide.

On Monday, August 29—remember, the first picture was Sunday. That was the warning we saw going on. On Monday, August 29, many in New Orleans were evacuating their homes in rushing waters trying to keep themselves and their families from drowning.

Here is a photo taken about midday that Monday. I would appreciate it if those who see this would keep this time in mind.

That terrible image—look at it. People were standing in water up to their waists. Some are up to their necks, and obviously holding children, and at the same time holding bundles on their heads to keep them dry.

By Tuesday, we saw conditions deteriorating at the Louisiana Superdome where people had already sought refuge. They suddenly needed to move again.

A reporter at the scene told grim stories of no food, no air conditioning, no usable water, overflowing toilets in the Superdome, and of tens of thousands of human beings who were stranded in these inhumane conditions.

While media members were spread across New Orleans, the Federal Government seemed to have no presence

whatsoever. I remember personally watching Jean Meserve reporting for CNN, almost being blown over by the ferocity of the winds, with tears in her eyes, in a quivering voice. She was crying as she gave her report about the horror she was witnessing. She was barely able to hold herself in position.

These desperate people trudged up elevated highways and overpasses. I am sure they assumed that help would soon come. But even though they waited in plain sight on an elevated highway, no help arrived. So they baked in the heat, and they looked desperately toward the skies for any hint of help. But there was little sign from the Federal Government; no sign of help other than the courageous Coast Guard rescue teams pulling people off of rooftops.

On Tuesday, as this devastation was being unleashed on New Orleans, where was President Bush? He flew to California, in the opposite direction of the crisis as tens of thousands of Americans were fighting for their lives, many of them dying. The President was in California. It was an important moment. He gave a speech commemorating VJ Day. I remember VJ very clearly. I was on a ship going from Europe where I served during the war back to America to go on to Japan. It was an important moment. But was it important enough for the President to leave his post, to leave his command, when people were trying to stay alive? This is a picture taken on Tuesday, August 30, 2005. It was 2:56 eastern time, which made it about 2 hours difference in central time, New Orleans. The President was enjoying the day. He was strumming a guitar. I don't deny him the pleasures of office. But people were drowning. They were trying to save their lives, save their homes, and save their kids at the same time. The President was not in touch with the country. It was one of the worst failures of leadership in our Nation's history. It was like an Army preparing for battle only to find out that the top general has gone AWOL.

Millions of Americans asked: How could this happen in the 21st century in America?

Our hearts were broken—all of us, anybody who saw it. I remember conversations with family and friends, and how horrified they were to see people struggling. They heard tales of children being swept from parents' arms, of the woman who sat with her husband as he pleaded for needed medication. And he died in her presence.

Senator LANDRIEU told us the story about the man who was sent to protect the mayor of New Orleans. He stayed with the mayor 3 days. When he went to his home, he found that his wife and children had died. He was so overcome he took a pistol and blew his head off. He committed suicide. How terrible.

What many people do not understand is the incompetence of the leadership in their country. It seems to be almost an indifference. What many Americans concluded last week is that the Bush administration cannot protect us. When faced with a real crisis, the White House displayed a lack of involvement, a failure of leadership.

To make matters worse, our President refuses to accept responsibility. President Truman—who sat at this very desk; his name is written here—said: The buck stops here.

That is not what we saw from the White House those terrible days. Now the President has an idea about how to determine what went wrong. He wants to begin an investigation, headed by himself. An investigation of self is not the best way to get the facts.

The hurricane that struck New Orleans on August 29 was a force of nature. But the damage and the disaster that followed was compounded by a failure of leadership.

Since the President and the President's team have already mishandled much of this tragedy, I urge my colleagues to roll up our sleeves and follow the lead of Senator LANDRIEU, with Senator VITTER, Senator LOTT, Senator COCHRAN, as we craft a plan for recovery for these devastated communities. We have a moral obligation to rebuild not just these businesses and landmarks but homes and communities, schools in every community, regardless of class or color.

One of our Republican colleagues said something this past weekend, in talking about the people who were suffering so much in the gulf area:

> You have people who don't heed those warnings and they put people at risk as a result of not heeding those warnings.

He further said there is a need to look at tougher penalties on those who decide to risk it and understand there are consequences for not leaving; to administer more punishment to these people who did not heed the warning, who did not want to leave their homes, who did not want to leave their familiar territory, who did not want to leave a relative, perhaps; to put more punishment on them, suggesting that losing a child, losing a home, losing momentos, or losing a history is not enough. We should punish them further? A Senator suggested that. What an outrage. Yes, he yielded later and said he might have been misunderstood. Read that Senator's words.

We have to learn from this terrible tragedy. The country certainly is alert to the risks we face from terror, from human-initiated attack. In the State of New Jersey we lost 700 people; New York, almost 2,000. We learned a lot. We learned we have to protect ourselves. It appears the number of dead in Louisiana and Mississippi is going to exceed the number, as terrible as it was, of September 11. So we have to prepare ourselves in some way to deal with that problem just as ardently, just as thoroughly, as we fight terrorism.

We need to pass legislation as soon as possible. I hope we will not be delayed in doing that by recriminations from those who would pass the buck elsewhere, away from the place the responsibility belongs.

We need to tell the gulf coast community that we believe in them, that the road to recovery is being built, and that we will then proceed to examine the history of what got us there. People understood in many quarters the levees were weak. The question arises about what we did to shore them up. I hope that examination will take place in the immediate future.

We salute those people who have endured the most unimaginable tragedy—to have loved ones swept away by flood waters, to have memories taken away. In lots of places it was not just the housing but the memorabilia, the trinkets of childhood, childbearing, raising kids, and seeing it disappear. We have to be stronger. We have to be more leaderly. We cannot be AWOL when trouble strikes. I hope we will work together on a bipartisan basis, as they say, and do the right thing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator GRAHAM, and Senator STABENOW.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Mr. GRAHAM, and Ms. STABENOW, proposes an amendment numbered 1665.

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

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

The amendment is as follows:

> (Purpose: To prohibit weakening any law that provides safeguards from unfair foreign trade practices)
>
> On page 190, between lines 14 and 15, insert the following:
>
> SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair trade practices (title III of the Trade Act of

1974; 19 U.S.C. 2411 et seq.); or (5) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

Mr. DORGAN. Mr. President, this is an amendment that is relatively simple. It would prohibit funding in this bill for our trade negotiators to enter into any agreement that would weaken U.S. trade laws, such as antidumping laws and countervailing duty laws. Let me describe why these are important.

We have provisions in our law that establish some level of protection for American industries if some foreign company or foreign country decides to dump products into our country at artificially low prices in order to capture a market or destroy an industry. These are the antidumping laws. We also have laws that provide for the opportunity to apply countervailing duties on products that come into this country that are unfairly subsidized and attempt to undercut American businesses.

Why do I offer this amendment? Because we have U.S. negotiators who are engaged in WTO negotiations who are saying that everything is on the table; we are willing to negotiate away the protections that exist for fair trade for American businesses, American jobs, and American industries.

We have the highest trade deficit in the history of this country. We have massive numbers of American jobs moving overseas every single day. American companies are closing their businesses, and American jobs are moving overseas.

I have told the story repeatedly—and I will not tell it in great depth again—about Huffy bicycles. They used to be an American company. No longer. Huffy bikes are now made in China. Those proud workers in America made $11 an hour plus benefits. They all got fired. Were they bad workers? No. That company makes Huffy bicycles in China now and pays 33 cents an hour, working workers 7 days a week, 12 to 14 hours a day, and then they ship the Huffy bicycles back to this country to be sold.

Interestingly enough, since they moved to China, Huffy has declared bankruptcy. It has now been purchased by a Chinese company, and they say they still want this to be one of the leading brands in America. Notice that I said ''brands.'' They don't want to make them here. It is too expensive to pay $11 to American workers to produce bicycles in this country; they just want the right to sell them here.

I have given long speeches about the fact that Levi's doesn't make a single pair of Levi's anymore. That great American brand is now produced offshore. They are made by contract production in Haiti, Sri Lanka, Indonesia, Bangladesh, India, and China.

I have given speeches about the fact that if you wear your Tony Lama cowboy boots, they may not be American; they may be Chinese.

I have given speeches talking about the fact that if you like Mexican food, you can eat Fig Newton cookies, because Fig Newton moved to Monterey, Mexico. So if you want Mexican food, go buy Fig Newtons.

I have given speeches at length about jobs leaving this country. We have the biggest trade deficit in this country. It is dangerous. The question is, When will this country have the nerve, the backbone, and the will to stand up for the economic interests of this country?

I am not suggesting putting walls up around this country; I am just suggesting demanding fair trade. We had people die on the streets of this country for the right of workers to organize. In the last century, we decided issues about minimum wage, about child labor laws, about rules that say you cannot dump chemicals into the air and the water from your production plant.

We had people work very hard over a century to achieve these rules and regulations, which establish decent conditions of production. One can now escape all that by pole-vaulting over it. Move the plant to China, move the plant to Bangladesh, move the plant to Honduras and hire workers who will work for pennies on the dollar. Hire workers who will work for 33 cents an hour. Hire 12-year-olds and pay them 12 cents an hour and work them 12 hours a day and then ship the product to Los Angeles, Detroit, Fargo, or Mobile. Meanwhile, who is going to buy these products when American jobs have been lost, American workers are told they are no longer affordable, their jobs are gone?

Little Red Wagon Radio Flyer, we all rode in that Little Red Wagon when we were kids. For 100 years that company produced in this country, and now it is all gone. So it can be produced more cheaply, less expensively by hiring workers who will work for pennies an hour.

As we engage in new trade negotiations, which threaten to once again pull the rug out from under American workers and American businesses, this amendment says something very simple: We will not allow the funding we have approved in this appropriations bill to be used to weaken our trade laws.

The United States-China Commission, a bipartisan commission established by Congress, sent us a letter August 1, 2005, that warned that the proposals that our trade negotiators are discussing with respect to antidumping and countervailing duties ''could severely limit our ability to protect our economic interests.'' That is from the United States-China Commission, a bipartisan commission.

The Commission reiterated the proposals put on the table by foreign negotiators ''could have substantial impact on our nation's ability to utilize our trade laws and ensure that American farmers, workers, and businesses have the tools they need to respond to unfair and predatory foreign trade practices.''

So the question for us is, Are we going to do anything about that? I hope the answer is, yes. I hope the answer is to say to our trade negotiators that we understand that foreign negotiators are proposing to weaken our trade laws. Our trade negotiators must have the backbone and the will to stand up for our economic interests, something they have not been willing to do for a long time.

I offer this amendment, which is a prohibition on funding. It is germane, and I hope to have a vote on it when we have had a proper amount of time to discuss it.

One final point. I intend to offer another amendment which I cannot offer at this moment. It is an amendment that I will offer to other appropriations bills as well if it is not acceptable here, and that is to establish a Truman-type committee to investigate the waste, fraud, and abuse in contracting that is going on in the Middle East, particularly in Iraq. I have described the conditions of Halliburton and other companies that have been given billions of dollars, have wasted a substantial amount of money, are now under criminal investigation, and are given a slap on the wrist and a pat on the back and more money and nobody seems to care. I believe there ought to be a Truman-type committee of the type Harry Truman headed long ago when there was a Democrat in the White House and a Democratic Senator said: We must investigate this kind of spending and profligate waste and abuse.

I will ask that the Senate at some point decide that there ought to be oversight on what is happening to the taxpayers' money. I will offer that amendment tomorrow. I have offered this amendment today for its consideration, and I hope that as we go along that we will be able to get a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it appropriate to speak on hurricane matters at this time?

The PRESIDING OFFICER. The Senator may speak on any matter he wishes at this time.

Mr. SESSIONS. Mr. President, Hurricane Katrina was a colossal natural disaster. Every hurricane is different. They bring different stresses and different damages. My home is in the city of Mobile, Alabama, right on the gulf coast. We were without power for 3 days. Trees and houses were damaged. Portions of the city were flooded that have not been flooded before. We experienced the highest surge of water up Mobile Bay driven by this storm that we have seen in anybody's lifetime there.

The surge in the fishing communities of Bayou La Batre and Coden were unlike anything they have seen before—my best estimate is 5 feet deeper than we have ever seen before. I spent 3 days in that community working with and talking to the people. Many of them lived in small framed houses, some in

mobile homes and things of that nature, that they have lived in for quite a long time in areas that had never flooded before but flooded this time.

I will share a story of heroism that is symbolic of what happened, I am sure, throughout the gulf coast. It is regarding a young State trooper a corporal, Spencer Collier, also an Alabama State legislator, a wonderful young man, my wife and I have come to admire him so much whose house flooded, as did most of the leaders of the town of Bayou La Batre. The town began to receive 911 calls at the height of the storm. He and a marine resource officer and others, got in a vehicle and drove down to where the water was rising with 100-mile-per-hour winds blowing. They put their boat out and, before they could cast off, the water had risen so fast that the entire vehicle was flooded. They went out and they made the first trip to rescue stranded individuals. They went out in this storm, traveling almost a mile to an area where water had never reached before in this town. They rescued people and brought them back.

Unfortunately, the first boat sank. Mayor Stan Wright had a flat-bottom boat and they put it to work. He said it was a good boat. It worked quite well, but the bottom was thin and they were worried about it. They went out in these waves and in this storm under great live oak trees that were blowing, houses had been completely demolished towards the beach as well as inland. The water was littered with trash and debris, and they made six trips and brought people out. One lady had several children. So they left one of their group there holding two of the children. They took the boat back, came back again and got the children, and they had to leave the guy because they did not have room in the boat.

All the time his house was being flooded, and he spent days, as did the other members of the city government, working for the people of that community, even though their own homes were flooded. So that is the kind of thing we are talking about.

I talked to people remaining in town the next day. The storm ended Monday night. We still had strong winds at 5, 6, 7, even 8 at night. It began to calm down after going all day long. I talked to those people Tuesday afternoon. Many of them were in food lines provided by the good old Salvation Army. They were the first ones there serving hot meals, with a tub of ice and bottled water. People were lined up. They had not had a meal. The electricity was all off. The phones were off. Most of the cell phones did not work. Cell phone batteries quickly go down. They could not make phone calls. They lined up there. Several in that first line I talked to said: Senator, this is all we have. We lost everything we had. These clothes on my back are all we have. We had to get out of our house. The water flooded everything. I don't know what we are going to do.

I met a young lady who asked me that night what about her grandfather's Social Security check? They were from New Orleans. They left the New Orleans area. They had come up here. They were expecting to go back. I knew what she was saying. She was saying they did not have any money. I called Wallace Davis of the Volunteers of America, a great organization in the Mobile area, and he really came through. I asked him to do what he could, and he immediately went into action. He brought some of his own money.

He said: I have money. I am telling you I have seen hurricanes before, and some people just need a little cash.

They gave them a little cash, and I saw her the next morning and she was a new person. That would allow them to get to other relatives and maybe stay with them and get gasoline or food in that fashion.

So I want to say this: Many of the homes there are lost. On the east end of Dauphin Island, which is a sizable barrier island with a great many beachfront homes on it, one-third of the homes are completely gone, one-third badly damaged, and one-third somewhat damaged on the island. On the west end, the percentage of homes lost was even greater. The homes that were for many years on beautiful Mobile Bay around Point Clear and the Grand Hotel, homes that had not flooded before, flooded because of this surge of water. Homes that were built up high in recent years under hurricane restrictions did not flood, but many of those old homes suffered a good deal of damage.

I just say that to point out that, without a doubt, we are going to have to spend more on this hurricane than we have ever spent before. People need us now. Many of these people I have talked with and I met were working class American citizens not living on the beach. People on the beaches, for the most part, have a second home. They have insurance. Maybe they can get by, although they are going to take a big hit. But these people were hurting, and hurting badly. We are going to need to step it up.

When I see the damage from the incredible force of this hurricane on the Mississippi coast, our neighbors, and then in New Orleans with this incredible levee break and the floods there, I know we are in for a big job.

I served as a U.S. attorney for 12 years. I had the responsibility, even as an assistant U.S. attorney in the 1970s after Camille, to survey the aftermath. I had to prosecute people for fraud, theft, and abuse in hurricane cleanups. When this much money gets put out this fast, there is a real danger of mischief.

I have been in the Senate long enough to get a feel for things. I believe that the Senate is now in a bit of a hurricane mode; that all of Congress is—maybe even the White House—and that mode is that we do not need to be too careful. We need to get money out fast, and we need to pour it in there, and if we need 50,000 troops, let us send 70,000 to make sure.

Now we are seeing figures that it is going to cost $200 billion to complete this reconstruction. All of us know there is no money to pay for this. It is not coming out of our regular budget. That is not the plan. It will come in an emergency supplemental appropriations bill, and that means it will be added straight to the national debt, and our children and grandchildren will pay it, plus the interest that accumulates on it.

So I think this Congress is doing the right thing in moving forward rapidly, but I think our majority leader, our appropriations leaders, our House leadership, and the President also need to be thinking about how to spend the money responsibly. Trust me, there will be abuses. People think we can just send our military to the region, but the Department of Defense is going to charge the disaster fund for the money they spend. These expenses will be allocated to the disaster. All the other responding Federal agencies are going to bill the fund for the disaster-related expenditures they incur as well.

We are so pleased to see that States are just doing whatever it takes to bring schoolchildren in from these areas and do extra things for them, but we are already hearing—as we did this morning—they want to be paid for it by somebody. They ought to be paid for some of that.

Governor Riley, in Alabama, has said that we will take any schoolchild who is in our State but cannot go home. We will take them. We will put them in a school somewhere in Alabama. Our community colleges have said that, no matter what, we will take you. If you don't have tuition right now, we will still take you anyway.

While this is happening, people are making contributions and I think that is important. But $1 billion is a lot of money. We probably have less than 5,000 homes seriously damaged in our area. Maybe it is 4,000 in the Bayou La Batre area, or maybe less. If you gave me $1 billion, I could build 10,000 new houses worth $100,000 each. One billion dollars is a lot of money. A billion dollars is a thousand million.

But, now we are going to be in a big rush. FEMA is going to pay people who did not have flood insurance. Most of them should have gotten it. They should have, but they will still qualify under the grant program and can receive up to a maximum—all of them wouldn't get this much—up to a maximum of $26,000. I asked FEMA's Mr. Burns today if he discussed with the Senators how much it would be, and he said the maximum would be up to $26,000. That will include, I think, the $2,000 that some received today. So it would be $24,000, maybe, for someone who already received the money.

I said, when do you pay it? Apparently, we are already beginning to pay

it. It is like flood insurance, I guess. If you have insurance and your house is destroyed and the adjuster comes out and admits your house is destroyed, they write you a check, sometimes on the spot.

So this money is going to run out quickly. If this money is being allocated this quickly—before somebody has come up with a plan about which neighborhoods should be rebuilt—in Alabama, Mississippi, or even in New Orleans—we could end up with that money being unwisely spent and maybe not having enough money to help people construct the kind of houses they would like.

Senator SHELBY, I, and Congressman JO BONNER talked with Secretary Alphonso Jackson of HUD when he was in Mobile, AL, last week. We discussed with him the possibility of using the FEMA money—whatever they get—plus some of the loans HUD already has for people of low income, to help buy a home. What if we use a small portion of these millions of dollars that are coming from charitable organizations? Maybe we could get some real estate people and some architects to help us redesign some of these communities and make them both beautiful and habitable—and safe so this wouldn't happen again.

Do you see what I am saying? There are so many things happening right now, so fast. Some of this, almost by law, is required to be done in this fashion.

We need somebody, I believe, to be a manager for the President. I am offering a sense-of-the-Senate resolution to call on the President to choose a person of his liking to be his representative with regard to spending, fraud, management, and reconstruction. I believe that the President should do that. It would be a person of his choice, in the mode of a Mit Romney or Peter Uberhoff who were put in charge of Olympic Games and billions of dollars in finances at stake there. We need someone with real experience who doesn't have a political agenda, someone who would come in and report to the President on a daily basis, report to the Director of the Office of Management and Budget, and who could call on the Cabinet to help coordinate the relief. You might say he will not have any power. Listen, I spent a long time in the Federal Government. I know who has power in the Federal Government. The person who has power in the Federal Government is the person the President says has power. If he chooses this person and he tells his Cabinet: I selected him and I want you to work with him. If he asks you to do something, I hope you will do it. If you can't do it, I want him to tell me, and you can come explain to me why you didn't do it. That is all it takes. Things will start work better.

Anyway, I am hoping something like that will happen because this is so massive and the potential for fraud and abuse is so great we are going to have to watch it.

We have towns and communities that are badly hurt. They have lost sales tax revenues and now they are going to be fighting for every dime they can get. They are going to be pushing the rules and regulations to the breaking point and beyond. We are going to have Congressmen and Senators browbeating us in here with stories that say: Forget the rules, send out the money. We all know that is going to happen. But I don't think the people of my State want us to waste any money.

The people of my state want to help people in need. They want to be generous. They expect this Government to respond, and respond quickly, to take care of people whose lives are at risk.

The people of my state know that this is bigger than we have ever seen before. They know that anyone can make mistakes and that you cannot anticipate certain things. They want the government to constantly get better and improve our response.

But they don't want us wasting money. They don't want us throwing money at a problem that we have not thought through carefully. They want us to be careful with their money.

In fact, if we are careful, we can get a lot more good done for a lot more communities. At this point I am not at liberty to explain to you what I think ought to be done. I am not able to. I don't know what ought to be done and how, precisely, the money should be spent at this time. But I have been there in the aftermath of hurricane cleanups, and I am telling you, it is a difficult thing to keep control of. The government will spend your money before you know what happened to it.

That has happened before when there was a far smaller area of devastation than we have today. FEMA is going to be stretched from Louisiana to the Florida line. We have more people involved here than almost any hurricane ever, and the extent of the disaster is larger than ever. It is going to be even more difficult to monitor this recovery carefully. Some things are not going to be able to be done as fast as we would like to see them done. But if we do it right, I think we can meet the needs of our people, be generous to the American people, and also maintain the rule of law as we go forward.

There are some special things that are going to be needed to be done. I talked to Senator LOTT, and he is correct. Normally, when a hurricane hits and a person has trees down in their yard and shingles off their roof, that person takes all that to the street. They are responsible for it. They cut up the limbs, bring them out to the road, and FEMA pays for someone to come by and pick it up. It is a marvelous thing, I am telling you. If everyone had trees down in their yard and if everybody had to hire a tree surgeon to come haul them away, it would be an incredible cost. Volunteers come in with power saws and help people do it, and neighbors help neighbors, and you get that done. But if your house is blown away, the streets do not just have trees gathered up. There are whole chunks of houses, debris, foundations, nails, lumber, glass, and that kind of thing. It is more than the widow lady or the elderly can do to get that out there to the street.

We are going to have to create some rules, particularly in these areas that are hardest hit. We must allow the Federal Government to help compensate, and it must be allowed go onto the private property and help get some of this debris away. Many of the people will have lost their jobs and don't have an income. They will not be able to have that done on their own.

Those are some of my thoughts. I salute the majority leader and the Democratic leadership for moving the $10 billion supplemental promptly. That was a good thing last week.

Under the Anti-Deficiency Act, FEMA cannot expend a dime that has not been authorized by Congress. FEMA has already used up all of that money. It is a crime for them to violate the law that says you can't spend money Congress has not appropriated. The result is that we must come back and do it again quickly. We are running out of money again quicker than we thought, and we had to respond.

I salute the majority leader for bringing us up to date and doing it fast, but I say we are moving awfully fast now. It is time for our leadership, both in the Congress and in the White House, to ask how can we make sure we have integrity, wisdom, and good sense in handling this disaster.

If we do so, we can make some of these communities bloom again. We can make some of these towns and areas as beautiful as they were before. It has happened before. We have had disasters and we bounced back before, and we will bounce back again. It is the right approach.

I thank everybody in this country—faith-based groups, volunteers, civic groups—for the resources they provided to our people in Alabama. We got a call from the national group that makes modular housing and they were sending five office trailers down. They agreed to send one to Mobile. I talked to them. A group from Indiana sent in two 53-foot trailers. A businessman in north Alabama sent $100,000.

The mayor of Ozark sent down two trucks and himself and a whole team to help. He adopted the city of Bayou La Batre. The mayor of Gadsden in north Alabama adopted the town of Bon Secour. Steve Means, the mayor of Gadsden, came down and was of great help and assistance. That kind of thing was helping, spontaneously, with resources all across the country.

We are hopeful, pleased, and thankful. And that is the most common feeling I have observed, as did my wife, who served in the food lines in Bayou La Batre and talked to people. People are thankful. It is amazing. You begin to count your blessings and recognize what is important in life when that occurs.

Also, people are not whining, not the people I have talked to. They know this was a storm that nobody caused. They know it is a difficult time. They are thankful for the assistance they have received from their neighbors, and they are not complaining about the situation. It has made me proud to represent them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1669

Mr. SUNUNU. Mr. President, I ask unanimous consent the pending amendments be set aside for the purpose of offering an amendment.

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

Mr. SUNUNU. Mr. President, I ask for consideration of an amendment that I had earlier sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] PROPOSES AN AMENDMENT NUMBERED 1669.

Mr. SUNUNU. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence)

On page 131, line 14, strike ''$15,000,000'' and insert ''$30,000,000''.

On page 134, between lines 4 and 5, strike ''$170,000,000'' and insert ''$230,582,000''.

On page 134, between lines 4 and 5, strike ''$30,000,000'' and insert ''$48,418,000''.

On page 156, strike lines 3 through 7 and insert the following:

In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology, $46,000,000, to remain available until expended.

Mr. SUNUNU. Mr. President, I offer an amendment today to make some changes in the funding allocations that are found in this bill. I very much appreciate the work of the subcommittee chairman and the ranking member. I know, having served on the Appropriations Committee in the House, it is not an easy task. You are asked to set a lot of priorities, to make a lot of decisions about a good deal of money. It is not an easy task, but the purpose of bringing the bill to the floor is to give us an opportunity to adjust those priorities. I attempt to do so in this amendment in a couple of ways.

In this amendment I increase the funding in two general areas: first, in the area of border security and prosecution of illegal aliens who have committed crimes. This is an area that I think many people would say is in crisis right now, the problem with securing our borders, the problem with illegal aliens, and specifically the problem of dealing with the costs associated with illegal aliens who are committing crimes, violent crimes and otherwise. In this amendment I increase funding for the Criminal Alien Assistance Program by $60 million. It is still well short of the funding that has been provided in the companion bill in the House.

But it is an increase which I think will be well used. It deals in the area of illegal immigration and criminal alien assistance that I think most everyone agrees is in a crisis situation now with the state of emergency having been declared in parts of the Southwest to deal with this type of problem.

Similarly, this amendment increases funding by $18 million for the Southwest Border Initiative that deals with prosecution, helping our Southwestern States deal with the costs associated with prosecuting aliens that have committed crimes against the laws of those States and the Federal Government.

It brings that level of funding up to the President's level. I think the President's request in this particular area was well warranted, given how much attention has been given to the problem of illegal aliens in recent years.

This increases funding in this critical area by $78 million.

My amendment also provides additional funding of $50 million to transitional housing for women who have been exposed to domestic violence. This is a relatively new program. It is authorized at $30 million per year. The bill appropriates only $15 million. I would increase that to $30 million for this transitional housing program, which is part of the programs authorized under the Violence Against Women Act. Transitional housing is critical. It meets the needs of those who require emergency shelter services or crisis intervention. There is no other program funded by the Federal Government that provides transitional housing solely for victims of domestic violence and sexual assault. This is not typically the case in the Federal Government. There are no other sources of funding, and we ought to provide funding at the authorized level.

In the State of New Hampshire, there are 12 emergency shelters for battered women. The average length of stay is about 27 nights.

Therein lies the immediate need for transitional housing. I think that is probably a story that is repeated in State after State.

I think it is not only a worthwhile area but an area in need of funds, an area where there are no other programs at the Federal Government level for meeting this need.

The funds that I allocate to deal with criminal alien prosecution and transitional housing for those affected by domestic violence will come from the Advanced Technology Program, APT. This is a program that has long been targeted for elimination. The funds over the last several years have been phased down.

Last year, funding was provided only for existing contracts—for no new contracts. I think it makes sense to at lease hold the line at that level. So I scaled back funding to a level that is appropriate to cover all the existing contracts so anyone who has an obligation under ATP will have that obligation met. We simply would not provide funds for additional contracts. I think that is the right policy. I think the entire program should be phased down and eliminated for a few fundamental reasons.

First and foremost, this duplicates what already exists in the private sector. The ATP program gives funding to private companies that are developing new programs. That is why we have a venture capital system. That is why we have the private banking system. That is why we have private equity funding—to support companies that are competing in the marketplace and developing new products every day. I used to work for a technology firm. We developed new products, and we certainly didn't look to the Federal Government to fund new product development. It is a historic marketplace because inevitably you will have a bureaucrat in Washington deciding which new product ideas get funding and which do not. That is not a good idea and not a good use of public resources—to try to pick winners and losers in the product development marketplace.

Finally, these are funds, resources, public funding that are going to private companies, many of which are very profitable and very successful. We shouldn't have an industrial policy at the Federal level that provides unnecessary subsidies to private corporations.

I think we can do better. We can find better areas in which to allocate these resources—dealing with illegal immigration, crimes committed by illegal aliens, and transitional housing for those affected by domestic violence.

Those are certainly priorities that are much more significant, much more valuable, much more appropriate than a project that subsidizes private companies.

The final point about the Advanced Technology Program: It has been allocated at over $100 million, $150 million to $200 million, depending on how far back in time you go.

I simply ask my colleagues to consider, if they were at a company, say, that was developing microprocessors, and one of their competitors was being given a subsidy by the Federal Government to do the same thing, would you think that was fair? If you were developing heating equipment and one of your competitors was being given a product development subsidy by the Federal Government, would you think that was fair?

This distorts the marketplace. It is simply not a good use of taxpayer money, but we only scale it back to the extent that all current obligations continue to be met.

I think this is fair, it is the right thing to do, and I ask my colleagues to support the amendment.

I yield the floor.

NOTICE OF INTENT

Mrs. CLINTON. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

S.A. 1660

At the appropriate place, insert the following:

TITLE ____—KATRINA COMMISSION

SEC. ___01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the ''Commission'').

SEC. ___02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ___03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. ___04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. ___05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by 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 the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(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.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

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

(2) release public versions of the reports required under section ___10.

(c) PUBLIC HEARINGS.—Any public hearings of the 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. ___07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the 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, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the 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.—The Commission is authorized to 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.

SEC. ___08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the 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 the 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. ___09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. ___10. REPORTS OF COMMISSION; TERMINATION.

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

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The 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.

SEC. ___11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2862 the following amendment:

S.A. 1670

At the appropriate place, insert the following:

TITLE ____—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. ___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ____04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ____05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ____06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ____07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ____03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ____03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ____08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ____09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ____10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HURRICANE KATRINA

Mr. REED. Mr. President, I want to join my colleagues and all Americans in offering my condolences and my prayers to the residents of the gulf region. These families have suffered grievously. They have lost all of their possessions. They are without homes, without employment. We owe them a great deal of support and consideration, and, indeed, as I say again, all our prayers.

As news reports show, there are heroes throughout the gulf—those who helped neighbors survive the hurricane and those who continue to work in the region to help reunite families and restore order.

Americans throughout the Nation are opening their homes to hurricane survivors and volunteering their time and resources to meet the needs of evacuees. But while this disaster shows the best that America can offer, it also shows the worst. It shows that the Federal bureaucracy is ill prepared to respond to a natural catastrophe that we knew was possible. It shows the Federal bureaucracy ill prepared to respond to future potential disasters.

It shows a government so tied up in red tape that it is not serving its people at their time of need.

In the days, weeks, and months ahead, we will be investigating what went wrong, and there will be plenty of blame to pass around, but we cannot blame the victims of this tragedy as some have chosen to do. Many families in the gulf region did not have the resources or means to leave before Hurricane Katrina struck because this administration's economic policy favored tax cuts for the wealthy over programs that provide economic opportunities for all Americans. Over the last 3 years, poverty has risen in America and the real median income of workers stagnated. We must be willing to look honestly at how budget decisions and tax policy at Federal, State, and local level left New Orleans residents and other communities vulnerable to this tragedy. We must look honestly at how these policies continue to leave millions of Americans vulnerable across the Nation.

Hurricane Katrina demonstrated the economic, social, and racial divides that exists in America. As a Nation we must step back and evaluate our priorities. In my judgment, now is not the time to cut funding for social programs such as Medicaid, food stamps, and community development block grants while the administration pushes to repeal the estate tax. Now is not the time to continue to provide corporate tax breaks, while we must help rebuild a region in the midst of massive deficits as a result of the administration's policies. The damage to the national economy wrought by Hurricane Katrina, the expense to rebuild, and the need to provide for low-income and working families in light of this disaster will add to our growing debt. We must prioritize and deal with the needs of the most vulnerable among us.

For decades, we have known that New Orleans is in harm's way. Senator LANDRIEU has often spoken passionately about the Federal Government's duty to help protect wetlands in order to safeguard coastal states. Yet, we continued to allow coastal wetlands to degrade and cut funding to vital programs to protect these natural buffers as well as man-made levees to protect New Orleans. The flood waters from the city of New Orleans must be drained in an expedient fashion. However, we must not ignore the environmental impact that these heavily contaminated waters will have on the long-term public and environmental health of the city.

The stagnant waters engulfing New Orleans for the past week contain a myriad of contaminants, including human waste, oil, and even dead bodies. This toxic mixing bowl is rife with disease and harmful chemicals. We are facing a potential ecological disaster as these flood waters continue to be dumped into the surrounding area, and I am greatly concerned that the impact will be seen for years to come. New Orleans is surrounded by Lake Pontchartrain, the Mississippi River, and many precious wetlands. All of these bodies of water drain directly into the Gulf of Mexico.

Now is the time not only to evaluate, but also to act to prevent further ecological damage in the region. More must be done to ensure that while we are clearing the city of New Orleans from this devastating flood, we are also working toward its future rejuvenation.

Our primary focus must be on getting rid of the red tape and getting aid and assistance to those displaced by Hurricane Katrina. But we must also begin to ask how did this happen. The only way to do that effectively and apolitically is to have an independent commission to investigate the long-term impact of Hurricane Katrina on the people of the gulf region and on our Federal Government's response to this disaster as well as our ability to respond to future events. The bicameral commission announced yesterday by the Majority Leader and the Speaker is not the answer. Having the President head up a task force to investigate his Administration's response is not sufficient. The only way the people of the gulf region and the people of America will get the answers that they deserve is through an independent commission.

I also support efforts to restore the Federal Emergency Management Agency, FEMA, to an independent, cabinet-level agency to ensure its effectiveness in preparing for and responding to these types of events. FEMA's director must have the qualifications and abilities to plan for, respond to, and assist in the recovery after such an emergency. We must do better.

As the recovery efforts for the victims of Hurricane Katrina continue, we must stand beside the survivors to provide relief and assistance for their immediate needs now. For this reason, I am cosponsoring Senator REID's Katrina Emergency Relief Act, which will help get these families by providing medical coverage, housing the homeless, educating children, and offering financial assistance.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. Neighborhoods that were once called home are now wastelands, and people are concerned their lives may never be the same. The economic impacts are being felt by low-income and working American families throughout the nation. Indeed, there is an imminent emergency confronting millions of low-income Americans caused by soaring energy cost and diminishing affordability of home heating fuel as winter approaches. The administration cannot ignore this looming crisis. The administration must request emergency funding for the Low Income Home Energy Assistance Program so that these families can remain safe this winter. I also encourage the administration, and my colleagues, to support greater investment in energy conservation programs such as the Weatherization Assistance Program and the State Energy Program to help families.

In one way, Hurricane Katrina holds parallels to other situations. We could have anticipated this phenomenon. The reports of the class V hurricane were available to all Federal officials, State officials, and local officials. We knew the levees in New Orleans were not designed to withstand anything more than a class III. Yet we were not ready. This administration ignored what should have been obvious. We had to be ready for a severe hurricane with devastating consequences in New Orleans. This administration was not.

This also speaks to what may happen in the future. This should give Americans pause if they think about another natural disaster and, God forbid, perhaps an intentional mass-casualty effect in the United States. If we bring this same level of expertise and skill and insight, then we surely will see another major disaster on our hands. I hope we do not. That is why it is important to look carefully and closely at what transpired and to do so through an independent commission. I hope we learn from this and apply it to the future, but most particularly, I hope we give real, immediate, and effective support to hundreds of thousands, perhaps even a million Americans who tonight still endure the devastation of Hurricane Katrina.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to engage in a colloquy with the

chairman and ranking member of the Subcommittee on Commerce, Justice and Science on funding for SCAAP, the State Criminal Alien Assistance Program. I also understand my colleague from Texas, Senator HUTCHISON, would also like to discuss the importance of this program to her State.

I begin by thanking the chairman, Chairman SHELBY, and the ranking member, Senator MIKULSKI, for including $200 million in funding for this program, with a carve-out of $30 million for the Southwest Border Prosecution Program. That is good. The problem is, it is not enough. With the rising costs associated with criminal alien incarceration, I had hoped the Senate would see fit to increase the funding for this program over last year's allocation of $305 million. Instead, it is down to $200 million, with $30 million reserved for the prosecutor's program.

Immigration policy and control of our borders is an exclusively Federal responsibility. We all know this. Yet in our State prisons and our county jails, there is an incurrence of very heavy costs in incarcerating undocumented criminal aliens. Taxpayers should not have to foot the bill for incarcerating illegal aliens convicted of criminal offenses who are in State and local jails.

There is a growing belief among many in this country that the immigration situation is out of control. This year, the Pew Hispanic Center released a study which shows that between 2000 and 2004, approximately 3.1 million individuals entered the country without proper authorization. That is approximately 700,000 a year. Compare that to the fact that in 2003, Border Patrol agents apprehended somewhat over 1 million individuals seeking to enter the country illegally. It is said that for every one individual caught, three more enter illegally. If that is the case, nearly 3 million seek to enter the country illegally in a given year.

These costs are borne by our local educators, our hospitals, and our law enforcement officials. Let me use California as an example. This is based on a comprehensive study conducted by the Department of Finance. They estimate—and this goes back to costs in 1994–1995—$400 million for corrections for 23,000 individuals; $400 million for 390,000 patients; and $1.7 billion for K–12 education. That is a total of $2.5 billion.

Mr. REID. Will the Senator yield?

Mrs. FEINSTEIN. Certainly.

Mr. REID. We have a unanimous consent request to be offered on the emergency supplemental. We will return as soon as this is offered.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3673

Mr. FRIST. We will be very brief. I appreciate the consideration of the distinguished Senator from California.

Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3673, the supplemental appropriations bill from the House, with 90 minutes of debate equally divided, with 30 minutes from the majority side under the control of Senator COBURN, with no amendments being in order. I further ask consent that following the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

Let me modify this. We will proceed to the immediate consideration of H.R. 3673 immediately following the statement by the Senator from California and the Senator from Texas.

Mr. REID. Reserving the right to object, I am wondering if the two distinguished Senators from California and Texas could give us an indication—there are Members wanting to know when we will vote—as to how much time they will require.

Mrs. FEINSTEIN. I have a very short time. We will wrap this up in 10 minutes.

Mrs. HUTCHISON. I am happy for you to start the time running right now and give us the first 5 minutes to finish this colloquy.

Mr. REID. Mr. President, if I could, on the Democratic side the time will be divided in the following manner: Senator BYRD, 15 minutes; Senator REID of Nevada, 10 minutes; Senator KENNEDY, 5 minutes; Senator DURBIN, 5 minutes; and Senator CLINTON, 10 minutes. That uses our 45 minutes.

Mr. FRIST. Mr. President, I ask the unanimous consent request as propounded follow the completion of the statement by the Senator from California and the Senator from Texas.

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

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader and the Democratic leader.

To give a couple of recent statistics, the General Accountability Office conducted a study of those criminal aliens incarcerated in Federal, State, and local prisons. They found the following regarding State jails: In fiscal year 2003, 47 States received reimbursement for incarcerating 74,000 criminal aliens. Four States alone spent a total of $1.6 billion in fiscal years 2002 and 2003 to incarcerate criminal aliens. Yet they were only reimbursed $233 million through this program. That is only 15 percent of the total spent by these States. So the Federal Government is only reimbursing States 15 percent of what they actually spend on incarceration costs. That is local costs, that is State costs.

I can go on, but I want my colleagues to understand that the diversion of dollars from agencies such as the Los Angeles County Sheriff's Department to house criminal aliens has real operational impact on their law enforcement activities—fighting drugs, street gangs, and other pressing law enforcement operations.

On March 17 of this year, the Senate agreed to a sense-of-the-Senate amendment to the budget resolution that SCAAP should be appropriated at a level of $750 million. While I recognize we cannot reach that number, the House bill does provide $405 million for this program. As this bill moves forward, I hope we will agree to the House funding level in conference. I ask the chairman and the ranking member to work with us on this issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my good friend and colleague from California, Senator FEINSTEIN, for bringing this issue forward again. She has been dedicated to SCAAP funding.

I want to also mention Senator JON KYL from Arizona who has always stepped in when we had an appropriations bill to make sure our States got some reimbursement for their costs of incarcerating illegal aliens. Unfortunately, as Senator FEINSTEIN has said, we have more and more illegal aliens coming into our country and, unfortunately, committing crimes.

This is a Federal responsibility. The counties along the border States should not have to fund what is a Federal responsibility. Incarcerating illegal aliens for criminal activities is absolutely a Federal responsibility. So I join my colleague, Senator FEINSTEIN, in urging the chairman and ranking member of this subcommittee to accept the House position when we go to conference. Mr. President, $200 million does not cover a 10th of the cost to the border States in reimbursing them for the incarceration of criminal aliens. And $400 million goes a much longer way. I think it is a minimum.

All of us realize that illegal immigration must be stopped in our country. We must know who is in our country for security purposes, and we must be able to deport or incarcerate people who are here illegally and commit crimes in our country.

I hope the committee chairman and ranking member will work with us to increase the number from the Senate position of $200 million to the House position of $400 million, at a minimum. I thank the Senator from California for bringing this forward once again.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas. I also acknowledge as well Senator KYL's work in this area. It seems to me those of us from the Southwest or whose borders are in the Southwest have been beating this drum year after year. Sometimes we make a little bit of progress, but very often we do not. This is a very bad year in terms of the amount and the need.

So I thank the distinguished chairman of the Military Construction Subcommittee. I always appreciate working with her, and this is one more instance of that.

Mr. President, I yield the floor.

MAKING FURTHER EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will consider H.R. 3673, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 3673) making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I yield myself time as necessary for my statement.

Mr. President, we do turn to the second supplemental—the second supplemental in a week and a half—to address the natural disaster we have watched unfold, and that has literally unfolded in several ways, which is continuing now with both continued recovery and people settling around this country.

Yesterday, Speaker HASTERT and I announced the formation of a bicameral and bipartisan committee to analyze and conduct a real top-to-bottom investigation of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. They will report their findings no later than February 15.

The review will look at the emergency plans that were in place at the local, State, and Federal levels, and they will assess how the local, State, and Federal governments actually responded.

It is clear that in some places the response was simply unacceptable at all levels of breakdown in systems. I saw it this weekend firsthand as a medical volunteer: too little command-and-control structure, too little communication. America deserves better. America deserves answers. The Senate must do all it can—and we are doing all we can right now—to provide immediate relief for the hundreds of thousands of people stranded and shattered by last week's events.

We urgently need to pass a second disaster relief supplemental, and we will do that tonight, with no amendments, no delay. It is absolutely critical.

Last Thursday's $10.5 billion emergency package has been drained—totally drained. As of midnight tonight, all of the money will have been spent. And it is good. It shows a positive, rapid, quick response on behalf of our Federal Government. But it means we must act; thus this supplemental bill we will be voting on here in about 90 minutes.

If we were to fail to act, every relief that is going on right this very moment, every search-and-rescue operation, all of the emergency food that is being delivered, and the shelter that is being provided, and the medical care that is being extended, will be without money when the sun rises tomorrow.

The administration has requested $51.8 billion in this supplemental. That breaks down to $50 billion for FEMA, $1.4 billion for the Defense Department, and $400 million for the Army Corps of Engineers.

We need to pass this bill and get it to the President for his signature tonight. Tens of thousands of volunteers, relief workers, law enforcement and military personnel are working right now, this very minute, to provide aid, rescue, and recovery.

National guardsmen are going block by submerged block to carry out their rescues.

The Army Corps of Engineers is hard at work pumping the floodwaters out of New Orleans. The water level, happily, has already gone down by 40 percent. They estimate it will take another 2½ months to completely drain the city.

Right now, 60,000 U.S. military forces are on the ground in Alabama, Louisiana, and Mississippi, aiding the recovery. They are providing extensive search and rescue, evacuation, and medical support.

Twenty-seven Navy and Coast Guard ships are stationed off the gulf coast providing supplies and medical treatment.

FEMA is working around the clock to find temporary homes for the thousands of displaced families. They are exhausting every option, including military bases, cruise ships, emergency trailers, vacant properties, and motels.

All of these efforts are underway, and they must continue. The lives of hundreds of thousands of people are at stake.

Meanwhile, there is still a lot of work to do, and we are working around the clock to do it here in the Senate.

Today, we began consideration of the Commerce, Justice, Science appropriations bill, which includes critical support for recovery and rebuilding efforts. It provides funding for the disaster loan program administered by the Small Business Administration. It provides grants to State and local authorities, including law enforcement, for critical equipment such as satellite phones, which are especially critical right now where communication is spotty and, in places, where sometimes communication is even nonexistent.

The Commerce bill also supports the National Oceanic and Atmospheric Administration, NOAA. NOAA is responsible, as we all know, for researching, forecasting, monitoring, and warning the public of hurricanes such as Hurricane Katrina.

Clearly, we need to pass this bill. We also need to cut the redtape and bureaucracy that gets in the way of helping people, the redtape and bureaucracy we have heard again and again slowing the response at every level.

In the coming days and weeks we will take up legislation that streamlines the system and gets help to the people who need it on time, efficiently and quickly.

As we have seen over the past 12 days, America is a compassionate, generous Nation. People from all over have poured out their hearts, time, and resources to help their neighbors on the gulf coast. Private citizens and businesses have donated hundreds of millions of dollars. Relief organizations and faith-based organizations are on the front lines every day working valiantly to provide material and spiritual assistance.

Here in the Senate, we cleared a resolution last night allowing noncash Katrina assistance to be solicited and donated among our Senate employees.

Americans from all across this country and in all walks of life are offering hope and love and compassion. It is a testament to our Nation's strength and to our historic bond as citizens, as Americans.

Hurricane Katrina now stands as the worst natural disaster in our Nation's history. It is a tragedy of epic proportions. But there is hope and there is determination.

The gulf coast will recover and rebuild and emerge more modern and more prosperous than ever. It is going to be a massive effort. It will take all of our strength and all of our determination. But this is America, and in America no challenge is too great. We rebuilt Chicago. We rebuilt San Francisco. New Orleans, Biloxi, Mobile, and the entire coast will rise again bigger, stronger, and better than ever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators are aware that the bill that has come over from the House carries additional appropriations for the Department of Homeland Security for disaster relief in the amount of $50 billion; and for the Department of Defense, $1.4 billion; and for the U.S. Army Corps of Engineers, $400 million.

The House has adopted this measure, and now we are hopeful the Senate will act tonight so these funds will be made available immediately to the agencies that are carrying out the disaster relief efforts in the States affected by Hurricane Katrina.

This is a destructive force of monumental proportions, the most widespread destruction in my State from any natural disaster in history. So the relief being provided now by the Federal Government agencies is very meaningful and deeply appreciated. So are the voluntary contributions that are being made by Americans who are freely, and in a heartfelt way, giving what they can to help those who are less fortunate.

Senators are volunteering personal assistance. The Senator from Illinois, BARACK OBAMA, is organizing a team of doctors to come to Mississippi to provide emergency medical care for those who are still in need of that care. Medicines are being brought with those physicians to be administered to those who

need them. That is one example. There are many others.

Members of Congress are raising money on their own volition and then turning it over to the fund that has been started by Governor Haley Barbour in our State, to collect donations from people who want to help victims, to be used in humanitarian ways, to help people who are in a desperate situation, with no housing, no clothing, no food, many of whom are very poor.

So it is heartwarming to witness this. I express personally my appreciation for all of those who have acted so generously on behalf of the victims of this hurricane.

We have other Senators who have asked for time to speak on this measure tonight. I know the distinguished Senator from West Virginia has time reserved under the order and the understanding for proceeding on this bill. I am happy to yield the floor to him for any comments he would like to make at this time, if he chooses to speak.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Hurricane Katrina dealt this country an unspeakable blow. Tens of thousands of homes have been destroyed. Families have lost everything. Entire cities have been washed away. And, most tragically, hundreds, perhaps thousands of lives have been lost. Our Gulf States are in crisis. People have been scattered to cities and homes across the country, as the Army Corps of Engineers continues to pump the water out of the flood zones. It will take weeks, if not months, for the waters to recede.

The Congress has responded. Last week, the Congress approved $10.5 billion in emergency supplemental funding. And now we are poised to provide another $51.8 billion. This funding is likely just a down payment.

The bill that is before the Senate provides $50 billion for FEMA Disaster Relief. This funding will provide food, water, housing and cash assistance to the victims of Hurricane Katrina. It also will be used to reimburse the many Federal agencies that are in the region providing health care, rebuilding roads, providing security and removing debris. The bill also includes $1.4 billion for the Department of Defense for the deployment of military personnel to provide relief supplies, health care, and security, and for repairing facilities. Finally, the bill includes $400 million for the Corps of Engineers for emergency repairs to levees and pump stations, and for draining flooded areas. The White House expects that there will be a need for more funding in early October.

Congress responded to the President's first supplemental request in one day because FEMA was about to run out of disaster relief funds. Congress approved the President's $10.5 billion request without amendment. Yesterday afternoon, we received the President's second supplemental request, for $51.8 billion, once again because FEMA is expected to need more money. Today, because of the urgency, we are approving his second request. I understand that the President intends to send a third request, which will be more comprehensive. Yet, the administration has not made any commitment to send that request to the Congress quickly. The White House should not, once again, send that request one day before FEMA runs out of money and expect the Congress to rubber stamp the request. I hope the majority leader will work with the White House to make sure that the request is sent quickly so that Congress can debate the matter. As Senator REID, Senator LANDRIEU, and others have pointed out, there are many issues about the Federal response to Hurricane Katrina that should be examined.

As we move forward, we must ask serious questions about the Government's failure to help the people of the Gulf States on a timely basis. We want answers—we all want answers—as to why it took so long for rescue teams to get on the ground. There is no excuse for the days of delay and the inexplicable lack of coordination in the response effort. The anger and frustration in our country are justified.

Was the slow response because our resources were committed overseas? Were lives lost because the Government took its eyes away from the danger? Or because it failed to recognize a danger at all? That's one of the issues that most concerns me. We all watched the weather radar and saw this storm. Its footprint covered the entire Gulf of Mexico. We knew the storm was coming. We knew the danger was coming. Yet, the Government failed to respond. Lives were lost because the Government failed to do its job.

What would have happened if this had been a terrorist attack that we did not see coming? What if a surprise attack breached the levees around Lake Pontchartrain? How slow would our response have been then, to a danger that the Government did not see coming?

The Government clearly was not ready to evacuate large numbers of low-income, disabled and elderly people. Not all people in this country have jets, helicopters and fleets of SUVs to move them around. If there were a terrorist attack, would our Government, once again, leave behind the many people in this Nation who do not have the resources to be mobile?

It's time that we put America first. It's time that we refocus our energies and our resources into protecting this Nation here at home. Reinforce our critical infrastructure. Train and coordinate response and rescue efforts. Close the gaps. Fix the problems.

The Government's actions in the days following the tragedy were slow and misguided at best, and inept at worst. The Federal response effort was unacceptable, and the Government must do better. Let us pray that this funding will help to save lives and ease the suffering.

I urge Senators to support this supplemental appropriations bill. Hurricane Katrina is a national disaster. It is a national tragedy. And it will take a national effort to help our fellow citizens rebuild their homes, their cities, and their lives.

I thank my distinguished colleague, chairman of the Appropriations Committee, Mr. COCHRAN, for his contribution. May I say to him, I have personally been concerned about him, his people in Mississippi, his people and Senator LOTT's people. I called him and told him that I wanted to be of assistance, if I could be, and that any appropriations bill that we might appropriate, might send from our committee would have my support. We did this promptly. We are going to continue to do what we can. I commiserate with him as to the tragedy which has befallen his State, his people, our country, our people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am deeply grateful to the distinguished Senator from West Virginia for his kind remarks and his cooperation and presentation of this bill and support of the first supplemental appropriations bill, as well as providing funding to try to help the disaster victims in my State and the other coastal States that were affected by this terrible tragedy.

I have admired my friend from West Virginia from the moment I came to the Senate. I respect his dedication to the Senate and his conscientious efforts to effectively represent the State of West Virginia in the U.S. Senate. I have learned a lot from him, and I continue to do so as time goes on.

One of the things that has not been as widely noted, I think, as should have been is the leadership provided in the gulf coast areas by the local elected leaders. The Governor of my State, Haley Barbour, has shown an enormous amount of skill, compassion, and determination to use all of the available resources of our State Government to aid the disaster victims, to get them to safety, to provide for them, to help in the debris removal, getting businesses started again and the schools going. It has been a challenge of enormous proportions.

I was able to visit with him and his team that he had assembled at the Mississippi Emergency Management Offices on Riverside Drive in Jackson, MS, on my first visit to the State after the hurricane, and I was very impressed by the dedication, the willingness to work, the voluntarism that was apparent on that occasion and to see the results that are being produced by the local leaders in my State to ensure the recovery from this disaster. So they are to be commended. We are going to continue to support them from the Federal level to the fullest extent of our capability and understanding of the needs and how we can best do it.

There are safeguards in this bill, Senators should know, to help protect against abuse. There are provisions in the bill requiring the Corps of Engineers, the Federal Emergency Management Agency to make weekly reports on the obligations of their funds. These can be monitored to ensure that they are consistent with the law and the needs of the people who have been affected by this disaster.

The Department of Defense is required to report within 5 days of any transfers of funds in this relief effort.

In the Federal Emergency Management Agency title, there is $50 billion; $15 million is for the inspector general to conduct audits, as authorized by law, to ensure that the funds are being disbursed as authorized by law and in accordance with the understanding of the needs of the people who are affected by this disaster.

We do not want waste. We do not want abuse of these programs. We want them to be administered with integrity and an adherence to the principles of law.

I want Senators to understand we are not taking this money and pouring it out on the ground. We are trying to devise ways to see that it gets to the people who need it, who are entitled to it under the provisions of the disaster legislation that we passed in earlier disasters.

Mr. President, I know other Senators have asked for recognition. I see my colleague on the floor, Senator LOTT, who personally has suffered tremendous damage and loss of his home on the gulf coast, who has worked tirelessly—I have observed it—on the phones, traveling back and forth from the State, interacting with Members of the House to help shape this legislation so it provides meaningful relief not only for the victims in our State but throughout the gulf coast region.

I commend him and salute him and want him to know we are standing with him and trying to provide all the support and assistance we know how to provide to help overcome the ravages of this hurricane.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I inquire of my distinguished colleague, the senior Senator from Mississippi, has he made other commitments at this time or would it be appropriate for me to make my remarks?

Mr. COCHRAN. Mr. President, it is appropriate for the Senator from Mississippi to speak. It is appropriate to yield to other Senators, but they are not here at this time.

Mr. LOTT. Mr. President, I wish to say what a pleasure it is to work with my partner, the senior Senator from Mississippi, Mr. COCHRAN. He is always a gentleman and very thorough and capable and competent in his leadership as a legislator and as chairman of the Appropriations Committee.

I must say, I am quite pleased the chairman of the Appropriations Committee hails from my State. I thank him for his generosity personally and his comments and all he does to offer comfort on a personal basis.

I thank him for leading in this particular effort and moving this supplemental forward. We are both here, but our hearts are in Mississippi now. We are here because we want to make sure these funds are available and that they will get to the people and we will not have the important agencies that are involved run out of money in a day or two, or three.

I thank Senator BYRD for calling me last week to check on me. I called him back and talked with him yesterday. He was very kind and very generous. I want people to know we do check on each other and check on each other's wives. He has been very generous with that. I thank these two men for their leadership, and I thank the Senate for their personal concerns.

A lot of Senators are not just offering concerns, they are offering help. They are sending truckloads of help. They are making personal contributions to charities. It is very heartwarming on both sides of the aisle.

I was pleased to see the House take this matter up promptly and pass it overwhelmingly. Over 400 House Members voted for it; 11 voted nay. Now we have it, and we have an agreement with the leadership on the Democratic side that we would have a time limit and that we were not going to have a long amendment process because this money is needed.

I want to emphasize to my colleague that we want to make sure this money gets to the right place, the right people, and in the right way. We will be very careful to make sure these contracts are done properly.

I was speaking to the Governor of our State a few minutes ago. They are going to be monitoring this very carefully. We have the best quality of elected officials in my State we ever had, Democrat and Republican. I believe that. We have leaders up and down the line in the State offices, and we have young, dynamic mayors who had their towns wiped out. We have old experienced mayors who can pull all the communities together, and they are doing a wonderful job. Supervisors are doing a great job too.

We will monitor this very closely. We are not asking for a handout, but we do need help. We need a ''handup.'' We want to get our people where they at least are safe and secure. Right now health concerns, for instance, are bothering me very greatly. My wife is digging through the rubble now. I said: Please don't get cut accidentally, and watch out for snakes. One of the many things that comes with hurricanes, people do not realize, is the snakes blow in, and when the water goes out, they stay. I am nervous with her digging around in our neighborhood looking for some of our things that are left.

We are going to need help from HHS to make sure we have medical attention, personnel, equipment, chemicals, and drugs to help from the Mississippi gulf coast right into New Orleans. Of course, they will have a distinctly different problem in New Orleans.

A massive effort is underway. I have had people say to me: $1 billion a day, how could that be? You ought to see what is going on and you ought to see the need.

The Coast Guard has been fantastic. They have saved lives, and they are working today. The Corps of Engineers has been working to clear the channels. The Navy has ships in the area. The *Iwo Jima* is in New Orleans. The *Bataan* and the *Truman* are off the coast of Mississippi. The USNS *Comfort* is pulling into the area so we can house personnel, people who need help if the hospitals can't help them, and to give people a place to spend a night inside and get a good meal. This has never been done before, so there is a massive effort.

Senator COCHRAN and I flew from Biloxi, MS, over to New Orleans, and then I came back on a helicopter last Friday. It was similar to being in a war zone. Honestly—fires burning, water rising, helicopters bringing in injured people. There were helicopters all over the place. I was very nervous, quite frankly.

The point I am trying to make is, there is a huge effort underway, a big push of supplies, equipment, people who are working to save people's lives to this very day and to give us a chance to get back up so we can help people go back to work.

It is the worst I have ever seen. For 37 years, I have dealt with hurricanes, tornadoes, floods, ice storms, everything but locusts, and I am expecting them to arrive very soon. But this beats all I have ever seen, and it is going to be so hard to deal with the magnitude of the debris, let alone the human tragedies with which we are going to be dealing.

We need this help. We need this money. Some people are saying it is not going perfectly well. It never does. I have been through this every time. Every time we have trouble getting temporary housing into the area. We have trouble moving them from Georgia, pre-positioned in Mississippi, so we can get them to the people. We are having that problem now. The size and the magnitude of this disaster is so big that things are not going to happen fast enough, and there are going to be problems and slip-ups.

I do not think we should take time to be damning mistakes made last week. I want to know what the problems are today, what is the solution, and what actions we are going to take. I am very proud of that.

I want to also say, yesterday I put a list in the CONGRESSIONAL RECORD of private companies and organizations that have just gone beyond the call of duty—money, supplies. There are also hundreds of heroic acts, humanitarian acts where people went beyond the call

of duty to save lives to help other people—veterans who were rescued from the Gulfport VA Hospital, nurses who went without water themselves for 3 days to look after their patients.

I am going to put in the RECORD a whole list of these stories of great human efforts to help other people, sacrifices that people made, people who loaded up vans and showed up. A woman minister from Illinois loaded up a van, hitched to a pickup truck, drove herself to Mississippi, went to a church parking lot without any prearrangement and started distributing supplies. That story will be told a hundred and thousands of times over.

I want to make the point that this is a lot of money, I know it, and I am sorry we have to spend it the way we do. I prefer we not have this problem, but it is there, it is real. This is America. Americans have proven over and over again how charitable we are and how we will come to the rescue of people when they are in need and when they are hurt.

Let me say, too, about my State, I am proud of my State. We have been working and pushing. We are getting the job done. We will come back bigger, better, stronger, and we will continue to be an important part of this great country and a part of our economy.

Mr. President, I know I have used too much time of all other time that has to be yielded, but I thank my colleagues, one and all, for this opportunity to express my feelings. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, every single one of us in this body is going to support this supplemental appropriation for those who have suffered so much in Mississippi, Alabama, and Louisiana. We will do everything we can to help them. I know we will have another supplemental in the near future. I want to make sure that everyone realizes that there are now States that have taken the evacuees and done it with open hearts and open arms. We want to do everything to make them comfortable. That includes educating children. It includes medical care and Medicaid reimbursements that will be necessary.

It is my hope that the next supplemental will include help for the school districts that are taking large numbers of these students and are not able to absorb all of those costs in a way that would assure that these children, as well as the children who are already in the school district, have the quality education we are all striving to have.

As chairman of the Veterans' Affairs Subcommittee of Appropriations, I have just seen pictures today of the facilities that have been damaged in Biloxi, MS, and in New Orleans. I know we are going to need supplemental appropriations to begin the process of planning how we will rebuild facilities to serve patients in these areas. I will certainly vote in support of this with total commitment. But I do hope that the next supplemental that goes through will have some of these issues that will help the people rather than just the three States that have the infrastructure as well as the people problems. Let us give the services that all of us want to give to them as well.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, in a few days, on Sunday, we will mark the fourth anniversary of September 11. I remember very well the extraordinary support, the kindness, the solidarity, the friendship shown by our colleagues toward my State. The Federal response, the congressional actions, matched by the extraordinary generosity of the American people made what was the worst manmade disaster in our Nation's history somewhat bearable because we knew that despite what the terrorists had done, America stood with us.

We are now confronting the worst natural disaster in our Nation's history. On behalf of the people of New York, I publicly express our solidarity, our support, and our friendship. I am very familiar with the gulf coast. I went to Biloxi, MS, and the Mississippi gulf coast as a teenager. I have had a lot of opportunities to travel through Mississippi when I lived all those wonderful years in Arkansas. We also spent a lot of time in Louisiana. We had friends in Baton Rouge and Lafayette and lots of friends in New Orleans and surrounding parishes. Of course, I have been in Mobile. I have been along the gulf coast of Alabama. So I can personally see in my mind's eye what Senators are speaking of.

Senator LOTT spoke about what happened to Mississippi, and Senator COCHRAN spoke about the devastation being greater than anything he had ever seen or experienced. Senator LANDRIEU and Senator VITTER try to describe what it is like for everything one knows and everything that is familiar to be gone.

I imagine those days and nights of friendship and good times that I had the privilege of spending in such a wonderful part of our country. So I am very proud of how America is responding once again. The generosity of countless Americans—even people far beyond our shores want to contribute to try to help put lives and communities back together. It is entirely fitting that our Federal Government, that this Congress would be acting to pass in an expeditious manner this important supplemental so that the work of cleanup, recovery, even hopefully of rebuilding, can begin. I believe that when we vote, as we will, this evening, it will send a very tangible message that the Congress understands and that on behalf of the American people we will be with the people of the gulf coast until they, too, can recover and rebuild.

Just as we did after 9/11, there are many questions we should be answering. When I was in Houston this past Monday with my husband, President and Mrs. Bush, and Senator OBAMA, hundreds of people surrounded us asking questions to which we do not yet know the answers. There is a lot of false information, misinformation about what happened, should have happened, did not happen. People are grabbing at whatever they hear, trying to make sense of a devastating experience that has totally transformed their lives and their futures.

I respect the fact that our leaders in the Senate and the House have commenced hearings in the Governmental Affairs Committee and that there was an announcement yesterday about a bicameral effort to try to look into what did happen. But I would respectfully suggest that just as with 9/11, we need an independent commission that will look in depth and will bring to that inquiry independent expertise, people who are not elected officials, people who can look with a very cold and calm eye at the facts and the evidence so that we in the Congress, in the executive branch and State and local governments and, most importantly, the American public, can have some sense that we understand, so far as it is humanly possible, what was done and what could have been done.

The reason for the independent commission is not only because I believe we need to replicate the 9/11 Commission to send a clear message that we are open to looking anywhere and everywhere to find the answers that the people are demanding but also because we do not have the luxury of having officials in the executive and congressional branch diverting their attention to this inquiry, beginning the process of compiling evidence, of interviewing witnesses, of holding hearings. We are now required to focus on the future on behalf of not only the people of the gulf coast but on behalf of our constituents as well. We are spending a lot of money and we will be spending a lot more to ensure that we treat fairly, equitably, and with accountability the needs people have right now and in the months and years ahead.

Therefore, I would hope that we will come to a bipartisan agreement to establish such a commission, exactly as the 9/11 Commission functioned, with 10 members, the President appointing the chair, the other members being appointed by the Democratic and Republican leaders of the House and the Senate, that they will be people of independence and integrity, and that they will, in a sense, be the surrogates for all Americans as they try to make sense of how could this have happened.

I chanced upon a television program the other night that was recounting responses from people around the world—places that know their fair share of disaster—who were asking: How could this happen in the United States of America? It did not make sense to them. They would not have been surprised if it had happened in some poor country,

some country without an elaborate bureaucracy intended to deal with disasters, but they were shocked. They were asking questions. Perhaps the most important reason for us to convene this commission and get it working immediately is because we need these answers to ensure that whatever happens in the future will be better handled.

There are lessons for all levels of government, and there are probably lessons for those of us in the Congress. We have no idea what Mother Nature has in store for us. We are not even at the peak of hurricane season yet.

I remember going to Homestead, FL, in 1992 to see the impact of Hurricane Andrew. It was late August, early September, and we were only on the A's. Hurricane Andrew was an A. We are already to K, and we have M and others forming out in the ocean and the gulf. We need these answers to protect ourselves. We need to clear away all of the confusion, the natural tendency of human beings to say: It was not me, it was somebody else; oh no, wait, it was somebody else indeed. We need to just calmly, dispassionately conduct this investigation as quickly as possible to get the answers we need.

I do not think there is any doubt any longer that the Department of Homeland Security, for understandable reasons that I certainly, as a Senator from New York, understand and appreciate, turned much of its attention to the war against terrorism. People drilled, people met, people worried about a bioterrorist attack, a chemical attack, a radiological or, heaven forbid, a nuclear attack. But in the meantime, we have to worry about natural disasters, too, which we have just seen. There were thousands—millions—of people who had to be evacuated. People lost everything. Businesses are gone. It is certainly fair to say that it will have a devastating effect on the gulf coast, but it will ripple through the economy as well.

So I would hope that I would find support in the days to come for the bill I have introduced, the Katrina Commission bill. I have also offered it as an amendment to Commerce-Justice-State, but that we could come to a nonpartisan agreement to do this piece of the people's business, to answer the questions and to make sure this never happens again.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged to all parties.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, there was 30 minutes reserved for the distinguished Senator from Oklahoma. All of the time on our side on this bill has been used. His is the only time available on our side.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe under the agreement that I have been allocated 5 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

First, I wish to mention to our Senate colleagues that of the $51 billion we are considering on the supplemental, there is no funding for education. Under the leadership of Senator ENZI, our committee has had 2 days of hearings with leaders from Louisiana and from the gulf area about what is happening in the education system and the important need to give help and assistance to local communities, not only in those areas but also that have taken students across this country.

I talked to the Secretary of Education this afternoon, and she indicated that she had submitted to the President a series of recommendations that she hopes we can act on in the next very few days, and I hope that will be the case. Otherwise, I think we are missing an extremely important opportunity to try to provide help and assistance in an area of enormous importance to families. There are—85,000 students in the public schools in New Orleans who have lost their education, 35,000 or 40,000 in private schools, and the list goes on.

The second point is I heard that the President had now waived the Davis-Bacon provisions in terms of construction. I am not going to spend a great deal of time on the Davis-Bacon provisions, but I believe it is a great mistake. What we have seen time in and time out when we have debated this issue, this is about quality and the deliverance on time to meet construction requirements.

I am deeply disappointed that President Bush has decided to suspend wage protections in the wake of Hurricane Katrina. Many people harmed by Hurricane Katrina were already struggling to make ends meet, and the jobs and businesses they relied on have disappeared. Experts have said that as many as 1 million workers may become unemployed as a result of the hurricane, with the unemployment rate reaching 25 percent or higher in the gulf region. Many affected workers will be unemployed for 9 months or longer.

One of the major opportunities for work will be in the recovery and rebuilding of the area. We need to be sure that these new jobs pay decent wages. This is all that Davis-Bacon does: it simply ensures that workers on Federal Government projects earn a typical wage. The whole purpose of this law is to ensure that Federal funds do not undermine local labor markets by driving down wages.

Workers who take these jobs will already face special hazards. We heard just yesterday that according to this administration, the floodwaters in New Orleans contain e.coli that is ten-times higher than acceptable safety limits. We cannot allow Federal funds to undercut these workers' condition even further by lowering wage rates. But the President apparently believes that workers in Louisiana, Mississippi, and Alabama don't even deserve to earn a decent wage for a day's work.

Opponents of Davis-Bacon would have you believe that its wages are exorbitant. Nothing could be further from the truth. Indeed, in areas affected by Katrina, some typical wages include:

$9.16 per hour for sheet metal workers in Pearl River County, MS;

$10 per hour for laborers in Livingston Parish, LA;

$8.54 hour for truckdrivers in Mobile County, AL

Haven't these workers and their families suffered enough? We are providing tens of billions of dollars in relief, and we should be sure that it goes toward decent wages for workers as they work to rebuild the vital infrastructure that is so desperately needed. We have had those protections so we have had quality. One of the things the American people are very concerned about is shabby work. That is certainly true about the people whose family houses are going to be rebuilt and buildings going to be restored. They deserve the best. One of the best ways is to make sure we are going to have the skilled personnel to be able to do it. I regret the President's decision.

On a final point, we find now that we have appropriated some $10.5 billion previously and now $51.5 billion this evening. Those funds will go through existing institutions, through FEMA, through Homeland Security. It ought to be understood by the American people that those agencies have extremely important functions to provide for our country. Homeland Security has to look after the challenges for all of our Nation. They have to protect from the dangers of terrorism in our ports in Seattle, WA, and Boston, MA, and Los Angeles. They have other challenges across this nation. They cannot spend the time, the effort, the energy, the focus just on rebuilding the gulf area.

FEMA has 35 different challenges this year that they are going to have to address. They cannot be expected to devote their time, effort, and energy just on the gulf development.

I think the best way to do that is to follow a past tradition, a tradition that goes back to the time of President Coolidge. When we had flooding of the Mississippi in the 1920s, what did he do? He selected Herbert Hoover to coordinate all of the efforts, to be above the discord, so to speak; to coordinate efforts to make sure we were going to have focus and attention and we were going to bring all the parties to the table; to make sure we were going to do this while ensuring the grants, the development, and the investments that were going to be made were going to meet the highest criteria of integrity and would be done in the most comprehensive and complete way.

This is not only from a construction point of view, an environmental point of view, but also for the restoration of

the lives of the people in those areas and to ensure, as we are going to rebuild those areas, we are going to make this available to the people in that area so they are going to be part of the reconstruction of their lives.

This is going to be enormously important. There are going to be training programs available to them, so they will feel part of this whole reconstruction, which is a key thing to the American family.

We are one country. We have one destiny. To make sure we are going to have one country and one destiny and one future, we have to make sure we have the opportunity to have a commission of integrity, made up of the very best of our society, one that ensures the integrity of those investments and makes sure those people whose lives are so affected, who are uprooted, are going to get the very best. I hope that would be an area where we could come together, Republican and Democrat alike, and eventually gain support. I know our leader has talked about it, as has Senator LANDRIEU. I have had the opportunity to talk to other Senators about it. Hopefully, we can develop that opportunity to ensure the kind of reconstruction that all Americans want to see.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Mr. President, I was led to believe that I had 5 minutes. I don't know if time is controlled?

The PRESIDING OFFICER. The Senator has 4 minutes 50 seconds.

Mr. DURBIN. Close enough.

Mr. President, we estimate the cost of Hurricane Katrina could reach $150 billion. Some Senators speculate even more. We are passing a second supplemental appropriations bill which I assume will pass unanimously: $51.8 billion on top of $10.5 billion last week and no end in sight. This is an enormous responsibility, a responsibility that challenges us in terms of our Nation's budget priorities.

Hurricane Katrina has redrawn the map of the gulf coast. It has also redrawn the budget in Washington. When we reached an agreement earlier this year on a budget, it was a much different environment. We did not anticipate the staggering expenses of Hurricane Katrina. Some did not anticipate the continuing costs of the war in Iraq and Afghanistan, which should never be forgotten. We included in that budget resolution a proposal for $70 billion in tax cuts, the first time in the history of the United States of America we suggested we would make tax cuts in the midst of a war. Usually, a President calls on the Nation to sacrifice during a war, to understand that we each have to give a little to help our troops overseas. This administration suggested the opposite. For the most well off in America, we proposed cutting their taxes in the midst of a war and in the face of the largest deficits in the history of the United States of America.

That was before hurricane Katrina. The world has changed. The deficit for this year has been estimated to be $331 billion. Can we add $70 billion to that in tax cuts for the wealthiest people in America? Even worse, the estimated cumulative deficit over the next 10 years has been estimated by the Congressional Budget Office to be $2.1 trillion. This is before Katrina—before the tax cuts. Can we afford to add $70 billion in tax cuts, primarily for the wealthiest people in America, to that astounding historic deficit? We cannot. I think most right-thinking people on both sides of the aisle now realize that.

Let's be clear. The wrong way to attempt to shrink this deficit would be to cut $35 billion in domestic spending, including $10 billion in cuts in Medicaid, the health insurance program for those who are homeless now because of Katrina and the most disadvantaged in America.

At a time when Louisiana, Mississippi, Alabama, and other Gulf States are struggling to help these people in need, and other States such as my own State of Illinois and so many others are reaching out to help them; at a time when public health challenges are reaching epidemic proportions; at a time when States are struggling on their own to meet their budget responsibility, we cannot cut $10 billion in Medicaid payments to the States.

Thousands of people who did not evacuate New Orleans before the storm couldn't leave the city simply because they couldn't afford to leave. As my colleague, Senator OBAMA, said so often, they couldn't fill up the SUV with $100 of gas, put in the bottled water and head out with a credit card to a hotel in some other State to wait it out. That was impossible.

They faced the reality of poverty and the reality of disaster. We have to face the reality of our budget. Our budget tells us that we cannot cut in Homeland Security, we cannot cut in FEMA, we certainly can't cut the safety net that so many Americans rely on.

The Homeland Security Department needs more resources than ever, particularly for FEMA, and to restore the confidence in America that this agency is truly prepared for the next disaster, whatever it happens to be—whether it is a natural disaster, God forbid, or a terrorist disaster. Our confidence has been shaken in the Department of Homeland Security. We believed that we were safe, and in a few hours we learned, with the disaster on the Gulf Coast, that in many ways we are not.

We couldn't keep the flood waters out of New Orleans once that hurricane had turned. But can we tell America that we are prepared to keep the next flood, the next hurricane, the next disaster from creating what is a shameful situation now facing us across America?

This storm should compel us to reexamine our priorities. A budget document represents a set of moral choices not just fiscal choices. For the past 5 years, we have chosen wealthy persons over working Americans, pharmaceutical companies over seniors, oil companies over the environment, and defense contractors over veterans. It is time to change those priorities.

I will vote for this money. I believe all Senators will probably vote for this money to help our victims. But let us be honest about the realities, the budget challenges we face. Let us understand that a tax holiday for the wealthiest people in America is not appropriate—not this week, not next week, and not any time this year, as we face the reality of a war in Iraq, which continues to claim lives every single day, and this catastrophe of Katrina, which is going to test our moral fiber.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leadership for giving me an opportunity to talk this evening and to express some views. We heard a very good talk about the budget. The points I was going to make have to do with the disasters we face. It is ''disasters''—it is not one, it is two. One is slowly creeping upon us, and the other is right in front of us.

The tragedy that we see on the gulf coast is something to which we have to attend, something for which we have to supply the funds. It is important that we offer aid, that we come to the aid of those people. One of the most disheartening things I have seen in the last week-and-a-half has been finger pointing by politicians at all levels of our country that benefits no one, accomplishes nothing except to prove to the American people partisanship tends to trump any issue. It is disheartening that we as a body would fall into that, when such great responsibilities are in front of us.

I said ''disasters'' because the other disaster we are not looking at is the Federal budget that the Senator from Illinois discussed. I take a very different view. I am disappointed in our President for not bringing forward with this bill recommended spending cuts that would easily be achieved in the discretionary budget of this country to pay for the disaster assistance. We heard Senator LOTT talk about the sacrifices of the people, both those who are involved and those who have contributed to help in this tragedy. It is no sacrifice on the part of Congress to steal $51.2 billion from our grandchildren to supply the need now without doing the hard work that Americans would expect of us to make sure our priorities are right. It is a time for leadership in this country.

Our budget deficit, after we pass this bill, will be $670 billion this year. That is the real deficit. That comes to over $2,000 per man, woman, and child in this country this year alone. So we have two disasters. One is that we have chosen political expediency over the

future of our country. The heritage that our country leaves us and has been given to us is one of sacrifice to preserve the opportunities for the next generation.

We are going to do what is right for the people on the gulf coast, I have no doubt. But we are not doing what is right for the generations that are beyond us, for our children and our grandchildren. It takes courage to stand up and say we can do better. We have heard that. But we have not ever talked about how we can do better. We have talked about how agencies can do better. The way we do better is by finally starting to make the hard choices on priorities for our country.

The President, in his budget proposal this year, recommend 99 programs to be eliminated that did not meet an assessment rating program that was developed by OMB. That program was many times agreed to by many people in this body. That was $19.6 billion. There is not the courage coming from the executive branch to offer those, to say we are not going to spend another $19.6 billion of our grandchildren's money. Yet we are going to do the easy thing. We should pay for this. We should pass this bill, but we should not pass it on the backs of our children and our grandchildren.

I have a message for Americans out there. We have seen so many great efforts at contribution. Oklahoma has 3,800 people from Louisiana now, and we are going to love them and care for them and do everything we can to help those individuals in our State. But everybody else in this country can make a sacrifice, too. There is no charity without sacrifice. If it doesn't cost you anything, it is not worth much.

What we have to do is look at every level of the Government, every operation of the Government, and say: Where can we do better? I have talked to hundreds and hundreds of Federal employees who know where the waste is in their departments and in their agencies. Now is the time to come forward. The doctors in this country, you can save Medicare a ton. The hospitals in this country, you can save Medicare a ton. This year alone, trim your bills, cut back 4 or 5 percent. Do what is hard for you but gives benefit to the future. We need to set a standard that we are going to do what is right, both in this generation and in the generations that follow us.

We have an oath to uphold the Constitution, but we have a higher oath, and that higher oath is to keep the obligations that our forefathers put forward to create the best, brightest, the country providing the most opportunity of any in the world.

We will borrow internationally this year $1.4 trillion. How many years do you think the international financial community will continue to allow us to borrow that money without some cost coming home?

I believe we should have made the effort to pay for part of this supplemental spending.

I believe it is easy for us not to make that effort. I think it is very hard if we choose to make the effort. I believe if we do not step up to the responsibilities given to us by not attempting to make us better, by not attempting to make us more efficient, by not attempting to root out the waste—examples: Last year, 2004, the Federal Government overpaid $41.5 billion for things it bought or handed out. That would almost pay for this bill, if we would eliminate that. We can eliminate it. We choose not to do the oversight that is necessary to find the problems to make us more efficient, to accomplish the very goals to create the opportunity in the future for the next generation.

I will vote for this bill. But I am noticing our Members that we should do better; we should do what is expected of us; we should make the hard choices people expect us to make rather than to go to an unending piggy bank of debt and defer those choices to our grandchildren.

What does that mean? It means our grandchildren are going to have a far lower standard of living as we try to continue to load this debt on them. That is not opportunity. That is not a heritage I want to be involved with. I want to follow the heritage of our forefathers and the great generation of World War II where sacrifice was made.

I believe it is incumbent upon us to do better. I challenge every Member of this body to start doing the oversight, to find the areas where we can be better, where we can spend less money now—not because it may not be a great project—where we don't spend $26.5 billion in earmarks on a highway bill, the New York Times today listed ways we could help pay by eliminating earmarks and pork.

I find it ironic that I am agreeing with editorials in the New York Times. But they are right. The American people should demand of us now to make the very hard choices of ordering our priorities. Not doing that is below what every individual Member of this body is about.

I challenge Members as we look forward to the next supplemental which we consider if there is an area in the Federal Government that isn't working well where we could save money. The assumption on other side of that is the Federal Government is 100-percent efficient. If there is not any place where we can find money to trim to pay for that, that means the Federal Government is working perfectly. There is not a person in this country who believes that.

I know this talk about finding the money falls on deaf ears to many Members of this body. I am not partisan in any way except I am partisan for the future of our country. We cannot continue to live beyond our means.

The individuals out there who sent $20 to the American Red Cross didn't go freely to get $20 to buy the next ice cream cone or go to the next Starbucks. They gave up something to give that money. We need to be doing the same, and hardship is required. We need to stand up—Democrats, Republicans, individuals—and lead on the issue of efficiency and accuracy and the ordering of priorities; it is most important.

Is it important right now to spend $200 million on a bridge to 50 people in Alaska? Is that important? Should we be doing that when we could spend $200 million helping people in New Orleans or Mississippi? There isn't going to be anybody except 50 people and two Senators and one Congressman who thinks that is a good priority. We ought to be adjusting what we have done to pay for this.

The other final point I would make, it was suggested to the administration and it was rejected, but we need a controller for this money under the Office of the President to make sure it is spent properly. If we have the legislation that is already authorizing that, it is available, it should be put forward. I am going to offer that legislation next week to make sure it is spent right. The President has authorized in good will an inspector general increase to look at it, but they won't be controlling the money. What they do is see how it is spent after the fact. We need somebody in charge of spending before it is spent to make sure it is a priority before it goes down there, as we should be doing here.

I thank the body for the time and the effort. I believe it is incumbent on us to secure the future of this country. We can be critical of FEMA, but if we are not critical of our own positions in how we have spent our children's and our grandchildren's future, we have no right to be critical of any other agency of this Federal Government.

I yield the floor.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I extend my appreciation to President Bush for making this request that is now before the Senate. It contains important money for the victims of Katrina, and I will support it. However, before we vote, my colleagues should know that this bill is seriously flawed in several ways.

First, all the money for the relief effort—most of the money in the bill—goes to FEMA. After what we have witnessed these past 10 days, is there anyone in America who feels we should

continue to rely exclusively on FEMA to head the Federal Government's response? I think not.

Second, the President's request fails to make the substantive changes in law necessary to address many of the critical needs of our survivors—notably health care, housing, education, and financial relief. Victims need this assistance, and they need it now. But this legislation before the Senate tonight makes no such changes. It only spends more money.

Again, let me be clear. Despite these flaws, my Democratic colleagues and I will support this supplemental. We simply must do everything we can for the victims of Katrina.

That said, I would like to remind the Senate we cannot rest with the passage of this supplemental. There is much more work we need to do, and there are dozens of steps the Senate should take quickly to get the victims the relief they need.

Along with Senator LANDRIEU and many of my colleagues today, I introduced legislation called the Katrina Emergency Relief Act that makes the changes in law we need to give survivors the relief they need right now.

For example, health care. The survivors of Katrina need health coverage. Some of them were already uninsured. Others may have had insurance but they have been relocated miles from home and lost their insurance when they lost their jobs.

Here is how the Senate could help. We can ease enrollment into Medicaid so that survivors get Medicaid benefits without regard to assets and income. These people do not have the necessary documents to prove their residency or their needs. But we can make all that irrelevant by easing enrollment. We can also assure States that the Federal Government will pick up the tab for any health services they provide survivors.

Regarding housing, FEMA has estimated that up to 1 million people may be left homeless by Katrina and require housing assistance. Many will lack the standard paperwork to apply for Government assistance and will face steep rents as affordable housing is already limited for many. Yet FEMA is ill-equipped to handle the housing needs of Katrina's victims, many of whom are scattered around the country and will need housing for an extended period.

Regarding this housing, here is how the Senate can help. We could very easily direct legislatively the Department of Housing and Urban Development to provide housing vouchers that survivors can use anywhere to get out of shelters and into a home. We have all seen the images of families sleeping in the convention center or in the Astrodome, at the Superdome or at our armory here in Washington, DC or in universities in Nevada or in States all across this country. The Senator from Arkansas has indicated that 60,000 people who are victims of the gulf disaster are now in Arkansas. We must help them get off the cots and into real homes.

About education, the Katrina disaster struck as school was set to begin. Thousands of kids have lost their classrooms. They have lost their teachers. They have nowhere to go. No student should miss a single day. Here is how the Senate could help. Again, it is pretty simple. We can give school districts $2,500 for each displaced student they enroll. It will help offset their costs, and it will encourage some of them to open their doors. We have a lot of school districts that are suffering financially. We can help school districts get other resources. For example, they need to deal with bigger classes—help with teachers, textbooks, material, and counselors who are badly needed.

What about financial assistance? Senator LIEBERMAN has legislation, which is his part of our package, that shows not only have hundreds of thousands of Americans lost their homes but they have lost their jobs and their livelihood for now and any time in the near future. It will take time for Americans to get back on their feet. And here is how the Senate can help. We can temporarily forgive victims of their financial obligations for the Federal Government—things such as student loans and Small Business loans. We can help people so they don't lose their homes because they lost their jobs to Katrina and can't make the payments. We can extend unemployment insurance for these victims who have lost their jobs through no fault of their own. The joblessness rate is expected to increase to 25 percent or higher in the region, and we need to make sure unemployment benefits are available.

We can make it easier for victims to use their own savings to get back on their feet. Some may have Individual Retirement Accounts which they could draw from at this time, and we can make it easy for them to access money by suspending taxes on such withdrawals.

All of these are steps we could have taken today. A number of these amendments have been presented on the Commerce, State, Justice bill. But there are points of order raised against it because the rules of the Senate are such that you can't have legislation on an appropriations bill.

We had hoped the Senate would act on these items promptly, and that is why we introduced four amendments this afternoon to the Commerce, Justice, Science appropriations bill that I have described in some detail. But rather than voting on our efforts, as I have said, the majority plans to raise procedural objections. It is unfortunate. Victims of Katrina don't care about the Senate procedures. They just know they need health care, housing, and school for their children—not more Federal redtape.

My colleagues and I will continue to fight for these items in the days ahead. People who have lost their jobs and everything they have ever worked for don't care if they get Democratic relief or Republican relief. They want relief, and they want it now.

In the days ahead, victims of Katrina and the American people will want something in addition to short-term relief. I think it is important that we begin to address this. Survivors and the American people will want at least two things—a long-term plan to rebuild the gulf coast and answers about why the Government failed them.

To rebuild the gulf coast, we need to think about a Marshall plan.

I have something I have worked on for a number of years that was moving along very strongly prior to September 11, the American Marshall Plan. Remember, for every $1 billion we spend on developing our infrastructure, we create 47,500 jobs. We need a Marshall Plan to reconstruct the gulf region, a plan on par with the one we used to rebuild Europe after World War II. This is a region rich in culture and steeped in our history. It must be rebuilt, and we need a grand plan to rebuild it.

While we rebuild the gulf coast, we make sure we do not do it on the backs of American workers. I have been told the President has decided to suspend Davis-Bacon, a bill on the books for 60-plus years. It works because it creates an even playing field for workers. I will object if the President decides to do this. This is a time to work together and restore lives, not to play partisan politics.

We also need to find out why the Federal Government failed the people of the gulf coast when they needed their Government the most. Following September 11, preparedness for national emergencies was supposed to be a priority for this Government. Americans were made to believe the Government was doing everything it could to prepare for terrorist attacks, natural disasters, and other natural crises. Katrina makes it clear that we aren't ready.

When we faced a similar situation after September 11, Democrats and Republicans came together and established an independent blue ribbon commission. We now want to do this. We must do this. It will happen. It is only a question of when it will happen.

I have been told the majority in the Senate and in the House wants a different approach. They unveiled, very loosely, a proposal to investigate the events of last week. They call it a bicameral committee. Please. We have down at 16th and Pennsylvania Avenue an announcement by the President that he is going to be the leader of the investigation. We certainly do not need the same thing in the Senate. We have committees of jurisdiction that can do the work, and we must have, as Senator CLINTON has proposed, this bipartisan commission. It is very important. I support this commission. The victims deserve an answer independent of politics—the kind of answers only an independent commission can deliver.

I appreciate the patience of my colleagues.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Very briefly, Mr. President, this supplemental will be the last vote of the evening and for the week. We will be here tomorrow to continue business on Commerce-Justice-Science. Amendments can be offered either tonight or tomorrow. There will be no rollcall votes tomorrow. We will be voting on Monday. Instead of 5:30, it will be a little later than that. We will announce that specific time on Monday.

We will finish Commerce-Justice-Science early next week. Senators should not wait to offer amendments. Either offer them tonight or tomorrow. We will wrap this bill up in the very early part of next week.

The PRESIDING OFFICER (Mr. ALLEN). The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—97

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Obama
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Burr	Harkin	Salazar
Byrd	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Craig	Levin	Voinovich
Crapo	Lieberman	Warner
Dayton	Lincoln	Wyden
DeMint	Lott	
DeWine	Lugar	

NOT VOTING—3

Inouye	Stevens	Vitter

The bill (H.R. 3673) was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his cooperation in the development and presentation of this bill to the Senate. I also especially thank the Congressman from California, JERRY LEWIS, chairman of the House Appropriations Committee, and his colleagues on that committee, both Democrat and Republican, who helped get that bill passed today in the House of Representatives. We appreciate the prompt action on the President's request. We thank all Senators for their cooperation in agreeing to the expedited procedure for consideration of the bill today and passing the bill. This will get needed relief to the disaster victims in coastal States of Mississippi, Louisiana, Alabama, the Gulf Coast, and others who have been injured and victimized by this disaster. We thank the leadership for scheduling the bill and for supporting our efforts to get the bill done today.

The PRESIDING OFFICER. The Senator from New Mexico.

POSTDISASTER RESPONSE

Mr. DOMENICI. Mr. President, I rise to discuss, for a moment on the record, what I have been telling some Senators individually and in groups about the management of postdisaster activities in the Gulf Coast area. Let me begin by saying that I am not going to add to the various discussions being had about who should decide what persons, if any, made mistakes in terms of controlling this disaster, the scourge of this hurricane. Did somebody not do what they were supposed to do or did somebody do it too late? If so, who was it, when did the mistake occur, and why did the person act as they did? That is, who was at fault in responding to this natural disaster, if anyone. I am not talking about that. I hear the rancor and the partisanship in the discussion about who should do that.

I am talking about the fact that we have now the most difficult situation that America on its homeland has ever had to manage. We have never had anything as difficult as this to manage—the confusion, disrepair, individual suffering, displacement, hardship, property destruction, pollution. All of those things affected literally hundreds of thousands of people in three-plus States. We are currently in the immediate aftermath of the force that brought all those things upon us as a nation.

How many people have been displaced—sometimes called refugees, but they will not be referred to as such by me—how many men, women, and children? I understand that the numbers displaced due to a natural disaster before this did not exceed 30,000. It was something under 30,000. For this one disaster, there were over 450,000 people displaced. Anybody who thinks that what we have in place to manage a crisis of this magnitude is fine doesn't understand the proportions of this event. We don't have in place the tools, the wherewithal, the ability to manage this problem—not from the time of its arrival and not now, as we work to gradually make the situation better for everybody, to a point in time that we can take a deep breath and say: We have done as much as we can for as many as we can, and as far as our country and its people and its businesses and its charities are concerned, we have completed the task of responding to this emergency.

We don't have any way of doing that. Anybody who is sitting around here contemplating the work of its committee, be it a chairman of a committee or the chairman of a subcommittee, and thinking they know how to do that, let me tell you, they don't. I regret to say it. In all deference, I am one of those chairmen. I have a standing committee and a subcommittee. They are both involved in this event. One is Energy and Natural Resources. The other is Appropriations for Energy and Water, which is literally all the energy around there, pipelines and the like, and the Corps of Engineers. So I could be saying I will do my share. I will start having hearings. But I submit that this work that I would do and that any other committee of the Congress would do is as apt to be meaningless or wrong or moving in the wrong direction, when looked at a year from now, as it is to be appropriate.

It isn't that we are doing anything wrong; it is that we don't know what our goal is. We don't know where we are going. We know people need checks. We know people need money. We know people need accelerated Social Security and Medicaid benefits. We also know people need housing. But does that mean we should hold a hearing in the housing Appropriations Committee and decide: Here is a new program. We are going to fund the program. It will be grants and loans, 100,000 new houses for these people? Of course it doesn't mean that at all.

We need somebody to put the plan together and decide what the housing situation is going to be like for these people. Do we need interim help? Will that be vouchers? And who will start putting that together? I could go on. This is not because anybody has not done their job. Forget about that. Whatever the job that was to be done, right or wrong, is finished. What you have to do now is rehabilitate, replan, and put in place what must be done within the laws of America, with the dollars of our taxpayers.

I came here in 1972, believe it or not. I was 39 years old. I don't know how I got here or why I was here. I got a great big assignment, one committee, Public Works. You new Senators who worry about your committee assignments these days, I only had one. I got

a very auspicious job, too. I was ranking committee member on a subcommittee on disaster relief. I thought: Well, I will never have a hearing, but when I have been here long enough, I will go to another committee.

But lo and behold, Agnes hit. Agnes was a giant hurricane that caused a Northeastern flood, all the way through Pennsylvania. Sure enough, I went to work. I learned about disasters.

But what I also learned was that through the good wisdom of a Senator, who, as I now understand it, was Hugh Scott, the minority leader from Pennsylvania—he used to sit over here when we had very few seats on this side of the Aisle—he talked Richard Nixon into appointing a man to be in charge of the Agnes recovery named Frank Carlucci. You've all heard his name of late. However they found him, I don't know. They must have been clairvoyant; they must have known he was something super. He was President's Nixon's on the ground representative for Agnes for 3 or 4 years, and we came out of that. Today his job would be comparable to having all involved computers run out of one office by people in the executive branch of Government, as if the OMB moved over there to handle things. Everything ran according to plans that came out of Carlucci's office of recovery. Nixon did not use a Marshall plan. He put somebody in charge of telling us what resources we ought to use and what our options were.

From that, he went on to other areas of success, so they must have picked the right guy. He held two Cabinet positions. He was a great success in business. That has nothing to do with what I am talking about, but he was apparently a very talented man. Now this President ought to pick a very talented leader, someone who is not in the Government, for a similar task. I mean no offense to the current establishment working in the Gulf Coast. They are there because we had an emergency—a disaster. But they are not there to handle what is going to be about a 10-year recovery program.

I think the occupant of the Chair knows this. This recovery plan will go on long beyond the next 2 or 3 years. We better have our recovery efforts, and oversight of those efforts, occur in an orderly manner or can you imagine how many hearings we are going to have? Can you imagine how many committees are going to be involved in saying they are solving this problem? Can you imagine the number of press releases that will be issued by subcommittees that are holding hearings about fixing this thing? Can you imagine the laws they are going to bring down here to the floor to pass saying, we are solving Katrina? All those things ought to come out of somebody who is on the ground analyzing the situation.

I urge the President to act. Give the position whatever name you like. I hate to use the word ''czar''. It doesn't sound right to say ''commander.'' It doesn't sound right to say ''general.'' But they ought to put somebody in charge by executive order and give them the OMB type of office experts to help them analyze this situation and present to the Congress, through the President, the information we need for us to make the decisions about what policies we want.

Far be it from me to know much about managing things because I don't manage much except in my office, and I am not sure sometimes if a Senate office is even manageable. Whatever I have to manage, it probably has not been managed very well. Once I thought it was so important to manage that I hired somebody to see if they could write a manual on how you manage a Senate office. He was the greatest manager I had ever seen in New Mexico. He spent a year and a half working. He wrote a manual. When he was finished, he said: I guess I have tell you, you have to make this current about every week because things are so changeable here. So I don't know how to manage things.

But what I know is that what we have now cries out for a manager or we are going to have disorder following disaster. We are going to have money following money and then people asking: What wasn't done that should have been done? The sooner a manager is put in place, the better. I hope the President will act.

I thank the Senate for listening. I thank the Presiding Officer, because he is the only one who has to stay around here before we finish, and Senator ALEXANDER for being a gentleman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I had an opportunity to hear the Senator from New Mexico, who has a lot of wisdom on a lot of subjects. One of the most important things he reminded us of was to try to get in concrete terms the immensity of this disaster. We see it on television. We know there is more to be done than has been done. We know it is going to last a long time. I heard the same facts he did today, that the most displaced families that FEMA has ever had in one of its disasters was 22,000. This is 400,000 or 450,000 or 500,000. In other words, this is 20 times the scale of the worst disaster we have ever had in terms of displaced Americans. And so we are all scrambling. I think it is important for the Senator from New Mexico to have brought that up.

He also heard, as I heard, that one of the last great hurricanes we had was Harvey, I believe. FEMA is just finishing the work on Harvey now 10 years later because it takes a long time to help communities and people get back on their feet. So this is a massive challenge. All of us want to help.

There is one other thing I am prompted to say before I say a word or two about higher education and the bill that was reported today by the HELP Committee. I have talked a lot in the past about the idea of a citizen legislature. The Senator from New Mexico has as well. Senator Howard Baker, who used to be the majority leader, used to talk about the citizen legislature and how valuable it was for our country if those of us who serve here spend a lot of time in our home states, that we spend time at the diner instead of dinner with a lobbyist, that we spend time at the church instead of up here at a ball game, that we keep our feet on the ground, and that is very important.

I believe that is probably more important today than it has ever been before. I will give an example. I was about to come back up here after our 5-week break. The morning paper reported that an airplane had arrived from Louisiana with 80 people on it who were in dire straits. Al Gore, the former Vice President of the United States from Tennessee, gave no interview to anybody, and had nothing to say. It has come out since then that he apparently arranged for the plane and may have paid for it. In other words, he brought them up from New Orleans.

I did what other people, I guess, did in our country. Before I came back to Washington, I sent a contribution over to the American Red Cross in Blount County, my home county. These 80 people were brought to the Christian church on Highway 321, where the Red Cross began to try to help them in various ways.

It never once occurred to me that I might be giving some advantage to a prominent Democrat by supporting something he was doing to help people. It never occurred to me. I doubt it ever occurred to Vice President Gore that he was bringing those 80 displaced persons to one of the most Republican counties in the United States. We have not had an elected Democrat in Congress from our area since the Civil War.

So in Maryville, TN, and I am sure in the Commonwealth of Virginia and everywhere in this country, the people who sent us here know what to do. They are opening their hearts, they are opening their doors, they are opening their churches, and they are opening their pocketbooks. The furthest thing from their minds is political advantage. I suspect that is exactly how they would like for us to conduct ourselves here.

It seems to me impossible in this body to avoid partisanship. Sometimes I think we have a playpen over here and a playpen over here, and a few Senators and House Members are always angling for partisan advantage. But this is no time for it. So when those impulses or outbursts occur, my suggestion would be that we go home.

In my case, it will be Maryville, TN. Most of us go home on the weekend or we go home for periods of time. We go down to a shelter, we go down to a church, and we see how the people who sent us here are conducting themselves

in dealing with this tragedy. And we remind ourselves of that, and we take a lesson from them. When we come back up here Monday through Friday, then hopefully we would conduct ourselves as well as they are conducting themselves. They would expect that from us, and we will do a lot better job of helping deal with this immense tragedy, 20 times as large as anything we have seen before.

FEDERAL SUPPORT FOR COLLEGES AND UNIVERSITIES

Mr. ALEXANDER. Mr. President, I wish to say a word about something important that happened this afternoon that is good news for the men and women in this country who go to college.

We have the best system of colleges and universities in the world. I can remember Senator KAY BAILEY HUTCHISON from Texas and Senator FRIST arranged for a group of us to meet with the former President of Brazil, Mr. Cardoso, who had been at the Library of Congress for a while and was going back to Brazil. Senator HUTCHISON said: Mr. Cardoso, what will you take back to your country about your stay in the United States? He did not hesitate for a moment. He said: Senator HUTCHISON, the excellence of the American University. He said: There is nothing in the world like it. It is one of the greatest strengths of your country.

There are many reasons for this. I believe it is because we have created an environment in which we can bring out the best. We have 6,000 autonomous for-profit, nonprofit, State-supported, not-State-supported institutions, and we have generous Federal funding that follows students to the college or university of their choice. That market environment has permitted us to surpass the world. We do not just have some of the best colleges and universities in the world, we have most of them, and several of those are in the home State of the Presiding Officer, in Virginia, and some of those are in my State as well.

Today the committee upon which the Presiding Officer and I serve, the Health, Education, Labor and Pensions Committee, reported out legislation that has to do with Federal support for colleges and universities for the next 4 or 5 years. The importance of that is this: 60 percent of the students in our country attending universities, community colleges, technical institutes, or for-profit institutions do so with the support of Federal grants or Federal loans. Sixty percent of the college students are affected by this legislation.

While the details of this legislation will come out over the next few weeks, it is important to say two things about it. One is the remarkably effective job by the Senator from Wyoming and the Senator from Massachusetts, Senator ENZI and Senator KENNEDY. This is a complex bill. There are lots of opinions on it. There are more than 20 of us on the committee. At a time of great difficulty around here, they produced legislation that we unanimously supported and agreed upon and will bring to the Senate floor. It is almost certain it will go to conference with the House of Representatives and result in a final bill that we will then send to the President. It was a first-class job of leadership by Senator ENZI and Senator KENNEDY, and I salute them for it, and I am glad to have been part of their committee.

The second thing to say is the bill is good for students. For students, it increases the amount of Pell Grants from $4,050 to $4,500 over 5 years. The bill gives students who want to use their Pell Grant during the summer the opportunity to do so for the first time, making Pell Grants available year round.

We have a lot of working people who go to colleges and universities today. They may want to go four straight semesters. Right now they cannot do that if they are eligible for Federal support. Now they can under this bill when it passes. In addition, Pell Grants will be larger for students who are majoring in math, sciences, or critical foreign languages, thereby encouraging students to pursue these fields.

Someone told me in Tennessee last week that we only had one new physics teacher who graduated and came into our classes. They are going somewhere else. We need more homegrown scientists in the United States, and this is one step to help with that.

The bill is also good for universities as well as students because it begins to relieve the oppressive paperwork burden the Federal Government places on colleges and universities, freeing up scarce dollars to spend on improving quality teaching, research, and public service rather than paperwork.

For example, this legislation creates an expert panel to review, evaluate, and streamline the 7,000 Federal regulations that govern grants and loans to college students. I made a speech on the floor of the Senate a few months ago, and I stacked up in several boxes the 7,000 regulations that every single one of the 6,000 colleges and universities has to go through before they can admit students with a Federal grant or a Federal loan. That is ridiculous. The President of Stanford said they were spending 7 percent of their tuition on complying with Federal grants and Federal loans. Universities should be able to focus more on teaching and research, and less on complying with reporting requirements.

In addition, for the first time, the Federal Government will be required to develop a compliance calendar, making it easier for our 6,000 colleges and universities to comply with Federal rules and helping them with institutional planning and avoiding inadvertent errors in meeting these requirements. In other words, we are saying to the U.S. Department of Education, if you are going to have 7,000 regulations—and we in Congress are guilty of causing that to happen, let me admit that—at least somebody in the Department of Education is going to have to put on a single calendar all of the deadlines when someone at George Mason University or Vanderbilt University or some small college in Iowa has to comply with each particular regulation. That will make it easier for the colleges, and it might discourage the number of new regulations.

Finally, universities doing a good job of keeping down the rate of loan defaults will be given more flexibility in how they use Federal dollars in grants and loans to students.

I am especially delighted the bill includes Teach for America legislation that I introduced with the Democratic leader, HARRY REID. Expanding Teach for America will not only build a corps of young college graduates who spend 2 years teaching in schools in lower income areas, but a corps of expanding influential alumni who support quality public education. I actually believe that corps of expanding influential alumni of these tremendously talented young people who graduate from the finest colleges and universities and go into the inner city and teach for 2 years will produce for us a corps of thousands of Americans who know what they are talking about when the issue of quality public education comes up. We have the best colleges and universities in the world, but they need to continue to be the best in order to maintain our standard of living.

The Federal Government is doing its part. Over the last 5 years, Federal spending on higher education has increased 71.8 percent. At the same time, State funding for higher education has increased on average by only 6.8 percent, partly because of the big increase in Medicaid costs to States, which have increased over the same time by 35.6 percent. This lower amount of State funding has meant that college tuition at public 4-year institutions has increased 38.2 nationally.

In Tennessee, the situation is equally pronounced. As I stated, Federal spending on higher education has increased 71.8 percent over the past 5 years. In Tennessee, spending on higher education has increased about 10 percent while Medicaid spending has increased by 71 percent. That is why during the same period the tuition at the University of Tennessee has increased by 33.4 percent.

I raise this because I hope in our discussion of the higher education bill that we will come to an understanding that one of the principal reasons for the big increases in tuition is the out-of-control State spending for Medicaid. Governors—and the Presiding Officer and I were both Governors—constantly have to fight to keep Medicaid spending under control so we will have enough money left for quality education. And if we do not have quality colleges and universities over the next

10 years, we will not be able to keep our standard of living as we compete with Japan, China, Germany, India, and Great Britain—all who recognize the superiority of American higher education, and are taking significant steps to keep their brightest students home and to improve their institutions.

I am delighted to be able to salute Senator ENZI and Senator KENNEDY. I know they each will have longer statements to make about the bill and all of its parts. But it is a good piece of legislation for students, it is a good piece of legislation for colleges and universities, and it is an excellent piece of legislation for our country.

I yield the floor.

HURRICANE KATRINA

Mrs. FEINSTEIN. Mr. President, I come to the floor today—heart-sick—to speak about the absolute devastation wrought by Hurricane Katrina. This tragedy represents the worst natural disaster in our Nation's history.

This hurricane spared nothing. Estimates of damage now run as high as $200 billion. The cost, in human lives and suffering, is just staggering.

Tragically, it will take weeks and weeks to ascertain the true loss of life. As the recovery proceeds, I pledge to do all in my power to help those in need to rebuild cities, communities, and shattered lives and families across the Gulf Coast.

My home State of California knows well the destruction possible from natural disasters. So many times the people of California have been saved by the generosity of the American people.

I have no doubt that the people of my State will now rally to the aid of those in Louisiana, Mississippi, and Alabama. Many already have.

In addition to monetary contributions from residents throughout the State, over 1,500 California first responders are on the scene, as well as over 700 California National Guard personnel, 116 California Highway Patrol officers, eight swiftwater rescue teams, eight urban search and rescue task forces, and six disaster medical assistance teams.

On Tuesday, Gov. Arnold Schwarzenegger announced that California had accepted a request from FEMA to provide housing and assistance for 1,000 storm victims left homeless by the hurricane. San Diego has made 600 beds available, San Francisco 300, and San Jose 100. And if FEMA asks for more, the State will be ready. Los Angeles has planned accommodations for 2,000 evacuees and Sacramento County is preparing for 300.

Campuses of the University of California and California State University systems, as well as private colleges and universities from across the State, have opened their doors to college students who were displaced or had their educational plans interrupted by the hurricane. Hundreds of students have already taken advantage of these opportunities and will be starting classes this fall.

My heart goes out to all those suffering from this catastrophe. I have seen the destruction caused by massive mudslides, major earthquakes, and torrential rains. I have seen the fear and hopelessness that comes when families lose everything except the shirts on their backs. My thoughts and prayers are with those Americans in the pitch dark with no electricity, in shelters with their homes swept away, and with a future that seems without hope.

I commend all those who have worked literally around the clock in response to the disaster. The emergency responders—from the National Guard and Coast Guard to hospital workers to the local police and fire departments—have been nothing short of heroic. They are risking their lives and deserve our deep gratitude.

The American Red Cross, the Salvation Army, and many other charitable organizations and religious groups have mobilized thousands of volunteer workers to bring aid and shelter to victims of the devastation.

The American people are already demonstrating their tremendous compassion and magnanimity—contributions exceed $500 million, with surely much more to come. Nations from around the world have also offered to help. I thank them as well.

But despite the effort and concern of all these individuals, I am shocked at what has gone terribly wrong in preparation for Hurricane Katrina. What we saw in the days following the storm has been a massive failure of government on all levels to anticipate, prepare, and respond. Days before the storm FEMA knew it was coming. It was announced well in advance that Katrina had become a lethal category 5 storm as it made its way through the Gulf of Mexico.

To see the horrific images of the dead lying in the street unattended, bodies floating aimlessly facedown in the water, and Americans with no choice but to relieve themselves on the field of the Superdome—it boggles the mind that such depraved conditions descended on one of America's great cities.

It was a flat embarrassment to the country. Those who have lost loved ones deserved much better than these appalling conditions.

Senators COLLINS and LIEBERMAN have launched a Governmental Affairs Committee oversight investigation to ensure that the requisite support and resources go to those in need. They will also be examining the inadequate preparation and response to this disaster.

Senator CLINTON and others have called on President Bush to appoint an independent national commission to review Hurricane Katrina relief efforts modeled after the 9/11 Commission.

I completely support these efforts, and would like to go on record with a few of the serious concerns that I have regarding what has taken place. These are all problems that we must grapple with if we are to truly protect our homeland from disasters of all kinds.

Two days before the storm, a mandatory evacuation order went out for the residents of New Orleans. But didn't Federal, State, and local authorities know that tens of thousands of city residents lacked the funds and means to depart and, more fundamentally, had nowhere to go?

As a result, the poor stayed put: stranded throughout the city and away from any safe and secure shelter. Clearly there is not an adequate mechanism for removing Americans out of harm's way in the face of a crisis.

Warning systems and evacuation plans, prepositioning of transportation assets and emergency communications facilities, are all in dire need of an overhaul.

As always in these situations, the first priority is to save lives. Once the storm had passed, emergency responders went to dramatic lengths to save those stranded in houses, in apartments, and on rooftops throughout the region. Through their tireless efforts, thousands have been saved.

But what should have been an immediate and massive delivery of food, water, and medical supplies to evacuees came much too late. Thousands of hurricane victims went for days without anything to eat or drink. Babies went without formula. Diabetics went without insulin. People took refuge on freeways only to bake in the heat without relief or water and nowhere to go.

I realize the unprecedented magnitude of this disaster. But the delay in response was simply inexcusable. It pains me to admit that people died because aid did not arrive fast enough to those in need.

Downtown, New Orleans' Charity Hospital went unevacuated for days with no food, clean water, or basic medical supplies. These represent the sickest and neediest of the storm victims, and all efforts should have been made for their immediate evacuation—by boat to reach the hospital or at least helicopter airlifts from the roof if possible. Vigilant doctors, nurses, and other hospital workers performed courageously but did not have the support they needed.

There seemed to be no plan in place for providing shelter once the storm was over. Ad hoc decisions appeared to cause widespread confusion as desperate evacuees did not know where to find basic needs. Rumors swirled of food here and fuel there, forcing victims to scavenge in search of the basic necessities of life.

As regional evacuation centers filled there was no effective plan for long or even short-term shelter and care of displaced residents. With nowhere for storm victims to go, evacuation centers turned to squalor. Serious reports of abuse and assault have come out of these shelters.

Other cities graciously volunteered to open facilities to evacuees. For that

I offer them my sincere gratitude. But now even they have reached capacity—the Houston Astrodome, for example. We were just not prepared to handle an evacuation of this magnitude.

We were quickly and brutally reminded that an effective response to this type of tragedy cannot happen until a reasonably safe situation exists on the ground. This is nothing new. It is a given in these types of situations.

Yet days passed before adequate National Guard troops arrived. Meanwhile, thugs, miscreants, and ruthless pillagers terrorized the streets and thwarted rescue and aid.

Command and control breakdowns have been rampant. Throughout the region, complaints abound that no one seems to be in charge. This is a recipe for chaos, which only works to hamper relief efforts and put innocent people in serious danger. Again, this points to the fact that we do not have adequate plans and mechanisms for dealing with serious disasters.

Regrettably, I could go on, but the time for dealing with the faults in preparation and response has not yet come. Right now, the victims of Hurricane Katrina need our help. Entire communities have been destroyed. Families have been torn apart. Many are still missing. Tens of thousands remain homeless. We must find a way to help bring some stability and hope back into their lives.

Congress has made a start by keeping FEMA operations running through an immediate $10.5 billion appropriation last week. And the President has asked for $51.8 billion more, which Congress will surely approve soon. But even this will not be enough—we have just begun the effort to rebuild these cities and communities.

This is a process that will take years to accomplish and require a great deal of commitment on our part. I call on all Americans to do what they can to assist in the recovery efforts. There are countless opportunities and help is vitally needed.

As we move forward together as a nation, we also need to focus on concrete solutions for improving our preparedness for calamities that engulf any part of the country.

In close cooperation with State and Federal emergency agencies, each city in this country absolutely must have an effective emergency plan in place.

These plans need to include professional and skilled emergency operations directors, clear lines of authority, practical evacuation strategies, and previously determined command centers that can be up and running on a moment's notice with satellite connections and powered by their own generators. Key department heads should carry two-way radios with extra battery packs at all times.

The plans also must have mechanisms to immediately call for and facilitate the delivery of food, water, and medical supplies to areas in need.

But it is not enough to just have a plan in place. These plans must be rehearsed and drilled until they become second nature for the public agencies, emergency responders, and communities involved. When disaster strikes, there can be no confusion as to what must happen.

Unfortunately, even when effective and rehearsed plans exist, large-scale catastrophic events, such as Hurricane Katrina, can quickly overwhelm local jurisdictions.

In these cases, we need a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

The U.S. Conference of Mayors should convene a national intercity effort to share information and assist in emergency preparation efforts.

In emergency situations such as this, communications capabilities are essential. Emergency responders must have the equipment that will allow essential communications efforts to continue in case of the major damage to infrastructure we have seen in New Orleans.

Clearly, the Federal Emergency Management Agency needs to change. We need to look at whether the tasks charged to FEMA are too large to be included with 21 other agencies under the Department of Homeland Security.

Let us seriously consider professionalizing FEMA from top to bottom—some have called for the resignation of the current Director, Michael Brown, whose credentials as an emergency manager have been widely questioned.

FEMA needs to be devoid of political appointees and employ only the highest trained professionals with expertise in transportation, emergency medical aid, communications, and providing Federal disaster assistance.

Funds Congress appropriates for FEMA from this point forward ought to be prioritized for disaster preparation, and we need to intensively review programmatic appropriations for the Department of Homeland Security which, some critics point out, has received funds diverted from the levee project in New Orleans.

We have a Strategic Petroleum Reserve, but shouldn't we have a strategic food and water reserve too, that can, within hours, be airlifted into directly and brutally hit areas such as New Orleans?

We need preplanned, carefully thought out means for moving National Guardsmen and other military forces and particularly assets, such as high-water vehicles and Chinook transport helicopters, swiftly into place to prevent urban areas from sinking into anarchy—as was so painfully evident at the convention center in New Orleans and throughout the city.

The Army Corps of Engineers, the administration and Congress knew for years about New Orleans' vulnerable topography and the inherent weaknesses of the 350-mile city levee system but limited funding for flood control work nonetheless—why?

The administration and Congress need to conduct a nationwide assessment to determine the other most vulnerable areas and have Federal disaster assistance resources pre-positioned if possible so no time is lost in the aftermath of another future tragedy.

These are just a few ideas to consider. President Bush was conveniently understating the case last Thursday when he said that federal efforts were ''not acceptable''.

Americans have an obligation to come together, now, with their resources, money, and can do spirit to save New Orleanians, their great city, and all those suffering down the Gulf Coast.

Nothing less is acceptable.

Mr. VOINOVICH. Mr. President, I rise today to address the national crisis we are facing in the wake of Hurricane Katrina. It is hard to even begin estimating the extent to which this natural disaster will affect all of us and, most particularly, our fellow Americans along the gulf coast. I extend my deepest sympathies to the victims and loved ones of this unprecedented disaster. My thoughts and prayers are with all those in need.

Katrina is likely the largest natural disaster this nation has ever faced. The storm's impact is unfathomable, and an entire region has been irrevocably affected. I cannot conceive of a perfect evacuation or mitigation effort for a circumstance of this magnitude. I urge people to refrain from allocation of blame. Finger pointing will only make matters worse. For now we must show our strength as Americans: we must do the best that we can with what we have.

Our first priority must remain search and rescue. We are working to save as many lives as we can, and to send aid to those victims who at this time are without adequate shelter, food, and water. We need to bring relief to those who are living this nightmare, beginning with the most vulnerable—children, elderly, those in need of medical attention—and moving outward to encompass all those who can be reached. Once we have ensured the basic health and safety of those in need, our next priority will be to begin restoring some quality of life. Many have lost everything. Until the region is stabilized, they will need somewhere to go, somewhere to work, somewhere to be with their families, somewhere to begin rebuilding their lives.

Last Friday, the Senate acted and passed a $10.5 billion emergency funding package for New Orleans; however, we will need to give more Federal money for disaster relief. I recognize that this will be costly, and although I am an advocate for fiscal responsibility, this is a time for the Federal Government to act.

We also need to reach into our own pockets and be as generous as we can be. I encourage my fellow members, my fellow Ohioans, and my fellow Americans to contribute to this relief effort

by calling the Red Cross at 1–800–HELP–NOW, or visiting their website at www.RedCross.org. The Department of Homeland Security website, www.dhs.gov, also has valuable information for those wishing to make a monetary donation or to offer other services such as housing, and many local communities and faith-based groups have set up collection agencies. Opportunities to give are readily available, and the need is great.

I would like to thank all those who have already opened their hearts and homes, and have given whatever is in their power to give. The response of this Nation, as well as many foreign countries, has been remarkable. Individuals, businesses, and governments—all have answered this call to meet human needs, and this effort will demand that all levels of government work together to ensure that what needs to get done, gets done.

I would like to take a moment to recognize the dedication of those who have offered tireless assistance to the victims of Katrina. In the last eight days, the Coast Guard alone has saved over 30,000 people, more than the cumulative number of its search and rescue operations for the last 10 years combined. Their relief effort has been simply incredible. I am proud of the Coast Guard men and women who have truly exhibited semper paratus.

Katrina also reminds us of how important our National Guard troops are in a time of crisis. From across the United States, there are some 41,500 National Guard troops that are on duty along the Gulf Coast. I am very proud of Ohio's National Guard, which have deployed a total of 1,500 soldiers and airmen to support Operation Buckeye, Ohio's hurricane response operation. This includes the 437th Military Police Battalion, the 1–148th Infantry Battalion and the 73rd TC-Task Force Command from Columbus; the 371st Corps Support Group from Kettering; and the 269th Combat Communications Squadron from Springfield. As we review the many policy concerns that have emerged in response to Katrina, it will be important to look at the issues facing our National Guard and to work to support them.

I have only mentioned the Coast Guard and the National Guard, but approximately 100,000 people are now involved in relief efforts. These people have chosen service over self and demonstrated their dedication to their fellow Americans. I am inspired by their efforts and I thank them for their service. We owe them all our gratitude and respect.

In addition, words cannot express my gratitude for the 20 States that have welcomed some 235,000 survivors from the gulf region. I would also note the contributions that my home state is making to the recovery effort, in addition to the contributions of the Ohio National Guard. The Ohio Department of Natural Resources deployed 24 officers with 10 boats and 10 vehicle-trailer combinations to Louisiana. In addition, hundreds of Ohio police officers and firefighters have gone or are on call to go to Louisiana and Mississippi to assist with the recovery effort. I am pleased that Ohio has opened its arms and stands ready to receive over 1,000 victims. In preparation, the State Emergency Management Agency, in conjunction with their local partners, is already locating housing, schools, and support services for families who have been displaced. As a former Mayor of Cleveland and Governor of Ohio, I am extremely proud of the Buckeye State's response.

However, Mr. President, in my current capacity as Chairman of the Subcommittee on Oversight of Government Management of the Homeland Security and Governmental Affairs Committee, I have many questions about the timely response to this catastrophe which have yet to be answered. In my position, I will work to make sure these questions are answered because we need to understand what went right and what went wrong in order to better prepare for natural disasters. At this juncture, it is too early to prejudge the overall successes and failures of each level of government during this disaster, or answer questions such as, ''Should FEMA be part of DHS?'' Those answers should be provided only after a careful and thorough assessment of the entire situation. I would like to recognize the leadership of Senator COLLINS and Senator LIEBERMAN, the chair and ranking member of the Homeland Security and Governmental Affairs Committee, and I look forward to working with them as we examine the response of all levels of government. However, right now, our responders have a job to do on the gulf coast, and our first objective should be to offer whatever assistance it is within our power to give.

Even though we are just beginning to wrap our arms around the magnitude of this event, I would offer some initial thoughts as to how we might mitigate the damage from future natural disasters like Katrina.

The responsibility of planning for, and responding to, natural disasters is shared by all levels of government. But as a former Mayor of Cleveland and Governor of Ohio, I know firsthand the paramount importance of State and local first responders. Therefore, I implore every State and local emergency preparedness organization to review their action plans to ensure that they have the proper procedures and contingencies in place to deal with a catastrophic event. The emergency planning and response capabilities must be reviewed and, if necessary, rewritten to address every possible incident for a given geographic location. The safety of our citizens and communities depends on it.

Prior to Hurricane Katrina, I began working with the State of Ohio's Emergency Management Agency in efforts to assess the ability of the State to prevent, protect, respond to and recover from any disaster, whether natural or otherwise. The State of Ohio is currently conducting a thorough top to bottom review of their strategic and emergency operations plans. It is my hope that these reviews will be conducted by every State.

I would also highlight a Federal program that can help prepare State and local first responders. Earlier this year I offered an amendment to the Homeland Security Appropriations bill to increase funds for the Emergency Management Performance Grant program. The EMPG program is the only source of Federal assistance that provides vital emergency management, coordination and planning support to State and local governments and first responders for all hazards. I believe that by investing in a program with a proven track record, recovery from events like Katrina will be more effective, and the EMPG should receive even higher levels of funding. I will continue in my efforts to ensure that the Federal Government stresses preparation for all hazards: we must be prepared for both terrorism and all of the blows that nature can deal.

Hurricane Katrina also shows that we have serious needs for the repair and improvement of our Nation's aging infrastructure and waterway systems. The desperate conditions these systems are currently in are impacting our economy, the environment, and the welfare of the American people. The backlog of unfunded Army Corps of Engineers operation and maintenance projects mandated by Congress is $1.2 billion. This is up from $250 million when I arrived in the Senate in 1999.

It has been 5 years since Congress passed a water resources and development reauthorization bill. The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

The economic benefits of infrastructure projects speak for themselves. The national return on investment for the Mississippi Valley and Tributary system—the system affected by Hurricane Katrina—is $24 for each dollar spent, according to the National Waterways Conference. The Corps of Engineers flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent.

Right now our infrastructure is collapsing due to insufficient funding. We desperately need to provide increased funding for the Army Corps of Engineers. Currently, the Corps is able to function only at 50 percent capacity at the rate of funding proposed by the Office of Management and Budget. With proper investment from Congress, our waterways and ports have the potential to help strengthen our economy, help ease our Nation's growing congestion problem, and provide a better quality of life.

This devastating hurricane also served to underscore the fragile nature of our national and economic security when the energy spigot went from a full flow to merely a drip. I praise my colleague and Chairman of the Energy Committee, Senator DOMENICI, for his Herculean task of shepherding an energy bill through this body. That bill is a tremendous step toward a much larger goal, which is our Nation's energy independence. However, in the aftermath of the energy bill's passage, we should not assume those efforts will suffice.

Rather, the effects of this hurricane on our Nation's energy supply and the ripple effects sent through the economy should only heighten the clarion call for our country. Much like our Nation committed itself when the Russians launched Sputnik and we entered the race to space, I believe we should have a national commitment to becoming energy independent.

We should open additional domestic resources in the near term to help wean us from foreign oil. My colleagues from Alaska have long sought to open the Arctic National Wildlife Refuge an idea I support. We should also invest in clean coal technologies that will help utilize one of our Nation's cheapest and most abundant resources.

However, we should also look ahead. For instance, a great deal of research has been done in my State on hydrogen fuel cells. I have heard that within a decade, commercial applications for these fuel cells will be a real possibility. But I would ask, why 10 years? Why not five? I truly believe there is too much at stake to ignore or merely feign interest in becoming energy independent.

I do not think it hyperbole to say that one of the main factors that will determine the next great superpower will be the nation that is able to become energy independent. The commitment we make today will determine the safety and quality of life future generations will have. I pray that we heed this warning.

Finally, I would like to address an issue related to Hurricane Katrina, and that is the soaring gasoline prices across the Nation. In the wake of the horrible tragedy caused by Hurricane Katrina, it now appears that some individuals may be profiting off the misfortune of others. This is unconscionable. It is unfortunate that there are no Federal laws in place to address and stop the price gouging of gasoline. In fact, less than half of our States have laws on the books to protect consumers from price gouging. Therefore, I am considering legislation to provide the Federal Government with the requisite authority to investigate cases of gasoline price gouging during an emergency. This proposed legislation would resolve this issue by providing a Federal framework for protecting consumers against this unjustifiable business practice. I would note that I have been actively involved in this issue for several years. I participated in hearings in 2000, 2002, and 2004 in two different committees, and I have asked Senator COLLINS to explore this issue in the Homeland Security and Governmental Affairs Committee.

Mr. President, these are but a handful of the issues that must be addressed in the weeks and months ahead. Let us roll up our sleeves and get to work. Let us learn from this horrible tragedy that has befallen the gulf coast, and forge better laws and procedures for the future. In closing, my heart goes out to the victims of this disaster, and I ask that all Americans do what they can to assist them.

Mr. KENNEDY. Mr. President, in the wake of Hurricane Katrina, we have seen images we thought we would never see in America. We have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

We in Congress have a responsibility to do all we can in many ways. Let's make sure children don't lose a year of their lives. Let's help them return to as much of a normal environment as possible. We need to act quickly to provide the help they and their parents need to cope with this strategy, and rebuild their future.

We all remember Hurricane Andrew, the category-5 hurricane that left over $40 billion in damage in 1992. It tore through south Florida, and the Army, Navy, and National Guard pitched in to help schools repair classrooms and reopen the school doors in about 2 weeks.

Last year, Hurricane Charley tore through central Florida and left $15 billion in damage. Schools closed, but within a month, they returned to normal and students were back on track in their classrooms.

But Hurricane Katrina is a different type of storm, and the magnitude of its damage is vastly more extensive.

In Mississippi alone, 271 schools have been damaged or destroyed. Schools are closed in the three gulf coast cities in the State hit hardest by Katrina Gulfport, Biloxi, and Pascagoula. Those districts enroll 20,000 students.

In North Gulfport, the walls of the Harrison Central 9th Grade School collapsed. In Pascagoula, the roof of St. Martin High blew off. The State superintendent has already requested help from Washington to find portable classrooms. Officials are considering converting an abandoned Kmart into a temporary school.

Vastly more damage has occurred in Louisiana. At least 135,000 students in public schools have been displaced. 100,000 college students have been displaced for the fall semester at Tulane, the University of New Orleans, Xavier University, and Loyola University.

Fortunately, America has begun to respond.

The Houston school district has pledged to accommodate 30,000 displaced students in their schools. The Dallas Public Schools has created a hotline to streamline enrollment for displaced students. St. Paul, MN is willing to accept 5,000 in its schools.

In Massachusetts, more than 30 colleges and universities have offered to enroll students, and provide housing and tuition assistance.

People have opened their homes and communities have opened their schools. We owe a great debt of gratitude to the principals, the superintendents, and the university presidents and deans who have pledged their help.

But they need help from Congress as they struggle to accommodate these students. We need a response that is as caring and as generous as the American spirit.

We must do all we can to assist schools and colleges as they attempt to meet the incredible challenge of incorporating hundreds or thousands of new students into their systems.

We must provide funds to help ease the transition of students into new school districts, support basic instruction, and purchase books and materials. We must help schools temporarily expand facilities and avoid overcrowding.

We must help college students find temporary help so they don't lose a semester or a year of college, and give them the financial assistance they need to continue.

We must also help former students who are paying off past loans, by offering every affected borrower a 6 month grace period when no further interest will accrue so they can avoid any increased cost or damage to their credit while they get their lives back on track.

Thousands of young children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

And in weeks and months ahead, we must focus on rebuilding and reconstructing the schools devastated by the tragedy so that, as soon as possible, children can return to schools fully stocked with the resources they need.

This morning, Senator ENZI and I heard moving testimony in the HELP Committee from Dr. Diane Roussel, Superintendent of Schools in Jefferson Parish in Louisiana. The parish has 85 schools, 51,000 students and 3,600 teachers. It lies just south of New Orleans, and was directly in the path of Katrina.

The local tax base provides a third of the district's resources for education to help students who have been displaced. Now, they're left with nothing to rebuild their schools.

In Dr. Roussel's words:

> Money isn't always the answer to solving the ills in our public schools, but when we're talking about equipment, supplies, rebuilding, and maintaining our teaching workforce, money is the answer.

We're reminded in this disaster that schools are the heart of local communities across America. When schools

open, people return. When schools open, business returns, and life begins to return to normal.

In the coming days and weeks, we must act expeditiously to provide the help that the entire gulf coast community needs to re-open its schools. If they get what they need, I am confident they will come back, stronger than ever before. Let's get it done.

Mr. LEAHY. Mr. President, I want to take a moment, on behalf of myself, my fellow Vermonters and Americans across this country, to express our heartfelt gratitude for the outpouring of generosity by more than 90 countries and international organizations that have offered assistance to the recovery efforts after Hurricane Katrina.

The United States is coping with devastation and destruction on a scale not seen in our lifetimes. It has been shocking and sobering to see how woefully unprepared our Government was to help the victims of this disaster. The chaotic response has also raised serious concerns about the adequacy of our preparedness to respond to terrorist attacks, despite the many billions of dollars the Department of Homeland Security has spent since 9/11.

Yet if there is a silver lining in such a disaster it is that it unites Americans and it unites the world in the common cause of alleviating suffering. A massive relief effort is underway, albeit belatedly, involving everyone from the Coast Guard to the Red Cross to private citizens who are rescuing people who were stranded and caring for those who lost their homes and possessions. Organizations such as the United Nations Office for the Coordination of Humanitarian Affairs, the World Food Program, World Health Organization, UNICEF and the U.N. High Commissioner for Refugees have all contributed personnel and resources to help in the recovery. Canadian search and rescue teams from as far away as British Colombia were on the ground in some Louisiana communities as early as August 31, even before FEMA had mobilized American relief workers.

It is not often that we, the world's only superpower, find ourselves on the receiving end of foreign aid. It is almost always the other way around, when Americans respond, as we do continuously, to the needs of people suffering from famine, conflict and natural disasters overseas. It is notable that our own disaster relief specialists in USAID's Office of Foreign Disaster Assistance are assisting in this domestic recovery effort.

The outpouring of sympathy and the hundreds of millions of dollars in contributions by Americans to the victims of the South Asian tsunami earlier this year are today being reciprocated by some of those same countries, and by scores of others.

From the wealthiest European countries and Japan, to the poorest, such as Bangladesh and Sri Lanka, generous offers of cash, water purification and communications equipment, and emergency and medical personnel have been extraordinarily gratifying.

But while no offers have been expressly rejected by the U.S. Government, few have been accepted and received. It is regrettable that our Government's abysmal coordination in the early days of the recovery effort has prevented critical international aid from being delivered to our stricken citizens and communities in the affected Gulf states.

One of many examples is Canada's offer to send three warships and a Coast Guard vessel. They were delayed for a week due to bureaucratic inertia.

I know that in any major humanitarian crisis when unsolicited offers of aid pour in it is difficult to coordinate and use it immediately. Some is simply not usable, such as electric generators that require a voltage not readily available in this country. There are also problems of limited access to airfields and ground transportation, and the necessary personnel to handle and distribute it. But these obstacles should have been anticipated. Bureaucratic backlogs and bungling have kept foreign relief planes grounded for days, medical personnel on standby, and tons of supplies waiting to be delivered to the desperate people of Louisiana and Mississippi.

The sluggish response has left foreign governments frustrated and baffled. I think it needs to be emphasized how much we welcome and appreciate their generous offers of help. It is unfortunate that our government was so unprepared to receive this aid in a timely manner, when lives could have been saved and suffering alleviated. Let us hope that the bottlenecks are being removed so the State Department, the Department of Homeland Security, and particularly FEMA, can speed the delivery of aid from our friends around the world without further delay.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

On February 27, 2004, James Maestas and Joshua Stockham received extensive physical injuries by a group of men after a confrontation at a restaurant in Santa Fe, NM. The apparent motivation for the beating was that they were a gay couple. Maestas, who spent more than a week in intensive care, had to undergo extensive physical and speech therapy, according to the district attorney.

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

BROAD SUPPORT FOR RESPONSIBLE GUN STORAGE

Mr. LEVIN. Mr. President, according to a report last year by the Brady Campaign to Prevent Gun Violence, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die each year. Further, about 1,500 children age 14 and under are treated in hospital emergency rooms for unintentional firearm injuries per year. About 38 percent of them have injuries severe enough to require hospitalization. We can do more to reduce the number of these tragedies, the vast majority of which could be prevented if safe gun storage techniques were more widely practiced.

A study released Tuesday by researchers from the Center for Disease Control and Prevention, reportedly the largest of its kind ever carried out, analyzed the prevalence of firearms in homes and the storage practices of gun owners. Researchers analyzed survey results from more than 240,000 randomly selected households in all 50 States and the District of Colombia.

While the rates of gun ownership and the storage practices vary widely from State to State, the CDC researchers found that nearly a third of households in the U.S. have firearms. According to the study, in 18 different States more than 10 percent of households contain loaded firearms. In one State, the number is higher than 19 percent. In addition, in 23 different States more than 5 percent of households keep firearms unlocked and loaded. The most startling statistic revealed by researchers is that 1.69 million children in the U.S. live in households where firearms are kept unlocked and loaded.

Statistics like these should give us pause, especially when we consider the impact that safe gun storage practices can have on preventing accidental shootings and suicides by kids using guns. A study published recently in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun is reduced by as much as 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

Recently, I joined with 69 of my colleagues in voting for an amendment offered by Senator KOHL that would require licensed dealers, manufacturers, and importers to include a safe gun storage or gun safety device with every handgun they sell. Hopefully Senator KOHL's amendment will become law.

We can do more to help stop accidents involving children and guns. I

urge my colleagues to join me in supporting commonsense gun storage requirements so that fewer families will have to endure the pain of losing a child or loved one because of a preventable tragedy involving a firearm.

THE WINDFALL PROFITS REBATE ACT OF 2005

Mr. DORGAN. Mr. President, yesterday I introduced legislation called the Windfall Profits Rebate Act of 2005 that attempts to address the spiraling cost of oil and gasoline. Let me explain why I introduced this measure.

I come from a State of 642,000 citizens spread out in a landmass 10 times the size of Massachusetts.

As a result of being a large Northern Great Plains State with a small population and being a predominately agricultural State, we use a substantial amount of energy, specifically gasoline.

In fact, North Dakota uses twice as much gasoline per capita than New York does. Though these price spikes hurt all Americans, they are especially devastating to citizens who live in rural States.

Let me say first that the tragedy that we are witnessing on the Gulf Coast is devastating. The effects of Hurricane Katrina will be felt by the people of Louisiana, Mississippi and Alabama for a long time to come and my prayers go out to them in this time of need. The people in the gulf region have lost so much.

It is also the case that the hurricane has affected America's energy supply in the short term. A number of refineries were shut down. A couple of major pipelines were unable to operate and there has been and will be an impact on our energy supply and marketing as a result of this hurricane.

But it important to understand that the price spikes we have seen with the price of oil and gasoline cannot be blamed exclusively on this hurricane.

We were headed down this road long before Hurricane Katrina hit.

In fact, since the beginning of 2004, we have seen the price of oil double from $35 a barrel to nearly $70 a barrel and that has resulted in consumers having to pay more than $3 a gallon for gasoline in many parts of the country.

It is important to point out that at $35 a barrel, the energy industry was making record profits. Now the oil industry claims that these higher prices are a result of supply-and-demand issues and that they need these additional profits for exploration.

However, I believe that the extra $30 per barrel that is tacked on to a barrel of oil these days represents a windfall or excess profit to the major integrated oil companies, and I propose that we recapture part of that with an excise tax and rebate it to consumers who are paying these inflated gas prices.

Here are some numbers to remember: We use 21 million barrels of oil a day in this country. Forty percent of that comes from domestically produced oil. The major integrated oil companies are larger and have more economic clout than they have had previously. They are experiencing the $30-a-barrel increased price above the $35 price that existed in January 2004, and that means they are reaping $7 billion a month in windfall or excess profits. That is $80 billion a year in excess or windfall profits. That is being paid by consumers who drive up to the service station and now receive the sticker shock of paying an arm and a leg for a tank full of gas.

A friend of mine gassed up his car and his son's car with 15 gallons in each car the other day and paid $103.00 at the gas pump.

In addition to the windfall profits being gathered by the major integrated oil companies in our country, it is also the case that 60 percent of that which we use comes from off our shore. That has become a type of forced revenue sharing from American consumers to the Saudis, Kuwaitis, and others. There is not much we can do about that in the short term except to implement policies that try to wean us away from the addiction we have to foreign oil.

However, with respect to domestic companies and domestic production and domestic pricing, we can do something.

My legislation calls for a 50-percent excise tax on crude oil profits over $40 a barrel when those prices are earned by the largest oil companies with the most ability to control the overall price. These are companies that, in many cases, move oil from the ground to gas pumps and control all of the processes in between. The revenue that would be collected from this excise tax would be used to provide a rebate to American consumers to help them offset the burden of higher energy costs that they are now forced to pay.

But my legislation also has a very important exemption. If the oil company is using the revenue from the extra $30 a barrel they are receiving to increase exploration, or make investments to search for additional sources of energy, or to increase refining capacity, or to pursue investments in other renewable forms of energy, then that money would be exempt from this windfall profits tax.

In other words, these large companies would decide themselves whether they pay this tax. If they are buying back their stock or hoarding cash with which to engage in mergers and acquisitions, then they would be paying the excise tax and the consumers would be receiving the benefit of that excise tax.

I am not trying to hurt the oil companies or put them out of business. I want additional robust domestic exploration that would be exempt from the windfall profits tax.

However, American consumers should not pay these inflated prices just to fatten the corporate treasury of the major integrated oil companies.

The substantial rise in the price of oil and gas has produced both pain and gain. The pain is for American consumers and the gain has been for the major integrated oil companies and OPEC countries, and I think Congress ought to weigh in on behalf of American consumers. That is what my bill attempts to do.

And with its exemption for investment in exploration, it does not attempt to help consumers by punishing oil companies.

I hope Congress will immediately consider adopting this measure and provide some help to American consumers at a time when gasoline prices are providing sticker shock every single day.

INQUIRY ON GASOLINE PRICES

Mr. NELSON of Nebraska. Mr. President, I appreciate this opportunity to speak about S. 1610, a bill requiring the Federal Trade Commission to conduct an inquiry into the retail price of gasoline. I thank my colleagues, Senators FRIST and HARRY REID, for their leadership and Senators LANDRIEU and VITTER and so many others for their efforts in working through this time of unprecedented destruction and human suffering.

I am here today to lend my support for giving U.S. gasoline consumers a more thorough understanding of the pricing mechanisms that are at play at the pump. The legislation I propose calls for the Federal Trade Commission to conduct an immediate study into whether rising gas prices are the result of a struggling market or whether market manipulation or a form of gouging is taking place during this time of tragedy.

Even before Hurricane Katrina, the Consumer Federation of America cited several reasons for the dramatic increase in gasoline prices, including tight crude oil inventories, inadequate oil refinery capacity, lack of competition and the oil industry's increasing market power. These are all plausible reasons for price spikes, but they are not enough to stop the questions of people concerned with their tighter budgets.

Between Nebraska and Iowa, more than 500 complaints have been made to State officials about high prices. Officials in both States indicate they have seen no evidence of market manipulation by retailers. Retailers are not singled out as the focus of this bill.

My bill calls for a 2-week study on the root of rising gasoline prices, including both regular gasoline and ethanol-blended gasoline. The report would then be forwarded to Congress for further action. If the report determines no market manipulation is occurring, the FTC would notify the U.S. Secretary of Energy, who would use the information to determine whether the Federal petroleum reserve would need to be tapped for additional oil.

But if manipulation is found, we will have the opportunity to act quickly.

The FTC would work with the attorneys general of various affected States to take appropriate action.

I am aware that inquiries as these have been conducted in the past, particularly around this time of year. Price surges around the time of the Labor Day holiday are common. As the prices fall, interest in determining why they reached record level diminishes. I hope this can be different. Even if prices begin to fall, which it appears they may, we still need to know what happened and why it happened.

Oil, as we all know, is the most widely used source of energy in the world. Facts indicate that world production of oil will start to decline. However, demand will not. At what point the production of oil will fall below demand cannot be accurately determined, but I believe that recent events that have disrupted normal supply and demand behavior is an illustration of what consumers can expect once that day arrives.

This is why, after years of delay, it was so important that we were able to pass an energy bill, allowing for the development of more energy sources. I am hopeful that these energy sources, particularly renewable fuels made from farm commodities, will be developed quickly enough to prevent price surges at times the oil supply or refinery capacity is disrupted.

According to the American Petroleum Institute, Nebraska has the distinct honor of being the only State west of Arkansas to see prices jump more than 50 cents per gallon since August 30. Why Nebraska? Let's find out.

In many cases, we saw pump price increases of 20, 30, 40 cents and even higher in a single day. Why such a dramatic increase? Let's find out.

We know there exists a very healthy competition between gasoline retailers, yet the price range for the same grade of gasoline yesterday was $3.19 in Lincoln, Nebraska and $2.99 in nearby Fremont. Why the difference? Let's find out.

What role do speculators play in establishing price? Let's find out.

These questions, and others, are important. Every part of our Nation's economy is impacted by these increases.

For example, the extraordinary prices of gasoline, diesel fuel, natural gas and petroleum derived input products such as fertilizer, chemicals and propane add another economic burden, particularly in rural areas and for farmers and ranchers who count on a ready and accessible energy supply for the production and harvest of their crops and livestock.

We need stable and reasonable gasoline, diesel, and natural gas prices to operate farm machinery, dry grain, and transport commodities to market, especially during the coming harvest season. The extreme volatility of world crude oil and petroleum product prices, according to USDA, has already impacted net farm income by over $2 billion.

When we take a hard look at the facts, we will better understand the forces affecting prices at the pump. We'll understand why in Nebraska we pay prices that range from $2.89 to $3.61 and higher. We'll understand reports of $6.00 gasoline in Atlanta and even higher prices at home and abroad. This legislation is nothing but beneficial for American gasoline consumers.

Now, I ask my colleagues to join me in promoting legislation that will provide valuable information on our Nation and the world's transportation fuels.

NATIONAL ASSISTED LIVING WEEK

Mr. WYDEN. Mr. President, today I want to draw attention to the 11th annual National Assisted Living Week, which begins on September 11 and continues through September 17. Created in 1995 by the National Center for Assisted Living, and being celebrated for the second time in conjunction with the American Association of Homes and Services for the Aging and Assisted Living Federation of America, National Assisted Living Week emphasizes the importance of assisted living services to the more than 1 million seniors and persons with disabilities who rely on them every day.

The theme for this week is ''A Fair to Remember.'' The theme encourages assisted living facilities to create their own ''Fair'' environment for the residents, families, staff, volunteers and local community and to celebrate their time together and share the fun with family and friends.

Assisted living continues to grow in importance as our society's demographics change and as we live longer. Seniors and their families want a homelike setting and are seeking alternatives to nursing homes. Because assisted living has been able to develop to meet community needs, it can be very different in different States. However, the goal is the same: to provide quality care for those who need some help in caring for themselves but are not in need of the care provided by a nursing home.

My home State of Oregon pioneered the concept of assisted living, and I am proud of my State's ability to continue to evolve the concept so that it meets the changing needs of seniors. All of us want to be in a safe environment and as independent as possible for as long as possible. Assisted living provides care while maintaining the dignity of the individuals they serve. Our Nation must continue to support those long-term care options that allow consumers the care setting that is appropriate for their needs.

IN HONOR OF LIEUTENANT COMMANDER LUKE CLYBURN

Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an exceptional educator and steward of the Great Lakes, LCDR Luke Clyburn. Commander Clyburn is captain of the ship ''Pride of Michigan'' and president of the Noble Odyssey Foundation. He is an innovative, committed leader who has worked for more than 32 years to educate young people about the importance of the Great Lakes and other fresh water lakes through the Naval Sea Cadets training program. We are grateful for his long and distinguished service.

The U.S. Naval Sea Cadet Corps was incorporated by an act of Congress in 1962, and a Great Lakes Division was added in 1973. The mission of the Corps is to ''encourage and aid American youth to develop, train them in seagoing skills, and to teach them patriotism, courage, self-reliance and kindred virtues.'' For more than 32 years, Commander Clyburn has accepted that charge.

Under Commander Clyburn's able leadership, the Sea Cadet program acquired a retired naval vessel, the ''Noble Odyssey,'' in 1977. On it, Sea Cadets from Michigan learned to man a ship from bow to stern, and they took part in invigorating scientific missions. With the cadets as crew, Commander Clyburn put together a series of Great Lakes research projects with professional scientists.

In 1989, it was my honor to help Commander Clyburn replace the ''Noble Odyssey'' with a larger ship, another retired naval vessel, the ''Pride of Michigan.'' On the ''Pride of Michigan,'' Luke has continued the same great work with the same great results. The scientific work has included significant research on invasive zebra mussels, which are harming the Great Lakes, and an investigation of an ancient drowned forest 2 miles off of Lexington, MI. These projects have been filmed and produced into documentaries, including the educational videos ''Fresh Water Invaders,'' ''Angels of the Sea,'' ''Emperor,'' ''The Underwater Forest,'' and ''The Norwood Project.''

In 2002, the Noble Odyssey Foundation was established as a nonprofit organization to raise money for the Sea Cadet Corps. With Luke as its president, the foundation has ensured the future of the Naval Sea Cadet Program, Great Lakes Division.

Commander Clyburn has dedicated himself to teaching young people about the importance of fresh water and how to protect these resources for future generations. He has been an inspiration and a gift to so many youth, and, along the way, he has made great contributions to scientific discovery. I know that my colleagues join me in thanking and praising Commander Clyburn for his distinguished service to our country.

ADDITIONAL STATEMENTS

HONORING JON KRAHULIK

• Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the

life of a great man, Jon Krahulik, who died this week after a courageous struggle with cancer. He was a good friend, devoted family man, and faithful public servant. I will miss him dearly, and I know that sentiment is shared by countless others across Indiana.

I had the honor of appointing Jon to the Indiana Supreme Court more than 15 years ago. While on the court, he served Indiana with distinction, garnering the admiration of all those whom he encountered. During his time on the bench, he authored nearly 120 opinions, shaping the laws of our State and influencing policymakers across the country.

Whether it was teaching law, serving as a trial lawyer, working to reform State government or recommending changes to Indiana's criminal justice system, Jon brought to bear his remarkable talents and his belief in the potential of humanity. He always sought justice while forging collective solutions. His record of service to the legal profession was matched only by his service and dedication to the community.

Jon went to law school in Indianapolis and stayed on to practice law for nearly two decades at Bingham Summers Welsh & Spilman. He resigned from the Indiana Supreme Court to become president at Chemed Corp., in Cincinnati. A true family man who possessed a deep love for the law, Jon later returned to Indianapolis to start a law firm with his two sons.

His personal accomplishments are as impressive as his professional ones. A man of incredible physical strength, Jon ran in several marathons and competed in an Iron Man Triathlon in Hawaii.

Indiana lost a great man when cancer took Jon away from us. It is my sad honor to enter the name of Jon Krahulik in the RECORD of the United States Senate for his service to Indiana and for his profound contributions to the field of law.●

TRIBUTE TO ELLIOTT BALBERT

● Mr. HARKIN. Mr. President, more than 10 years ago I was proud to work shoulder to shoulder with Senator ORRIN HATCH to pass the Dietary Supplement Health Education Act, DSHEA, to give consumers access to dietary supplements and truthful information about these products. That is one of the reasons it is my great pleasure to pay special tribute to Elliott Balbert, upon his retirement as the president of the Dietary Supplement Education Alliance.

Elliott Balbert recognized the need to get the word out about the growing body of scientific support for dietary supplement use. So, 5 years ago, he created a unique industry alliance of companies to focus on providing meaningful information about the health benefits and responsible use of dietary supplements.

Starting a brandnew nonprofit organization is not easy. There were volunteers to recruit, a board to create, paperwork to file, and money to raise. But even though Elliott was still a full-time CEO of a large public company, he managed to build a solid foundation on which the Dietary Supplement Education Alliance can continue to grow.

Elliott Balbert served as president of the board of trustees for the Dietary Supplement Education Alliance for more than 4 years. He planted the seeds, nurtured them, and watched them blossom into a thriving organization.

I admire the fact that Elliott isn't afraid to put his money where his mouth is. He has provided ongoing philanthropic support to a number of health-related charities, including the Vitamin Angels, the Healthy Foundation, and other initiatives that provide health benefits to the underprivileged.

As Elliott moves on to dedicate more time to his business, I want to take this opportunity to express my gratitude for the outstanding job he has done for the Dietary Supplement Education Alliance. We wish Elliott and his family all the best, and we salute his leadership in working toward a healthier America.●

JOSEPH P. ''SONNY'' FOSTER

● Mr. NELSON of Nebraska. Mr. President, I am here today to speak about my cherished friend, long time aide, and trusted confidante, Sonny Foster, who died unexpectedly on August 25.

I first met Sonny in 1973 when he and I served together on the Urban League Board. Sonny was still a student at Creighton and I was counsel to an insurance company. Sonny loved to tell the story of my first Urban League meeting at the old Logan Fontenelle Center. When the meeting ended and I went to drive home, I found, to my dismay, that someone had helped themselves to my battery. Sonny retold the story the week before he died. With his unique high-pitched laugh he said ''We never expected to see him again!'' But I came back and a friendship began that lasted for more than 30 years!

In 1989, when I was planning to run for Governor, some 16 years later, we teamed up. No one ever expected us to win, and we never expected to lose. And we didn't. It was his first time to manage a statewide campaign and my first time as a candidate for office. Of this victory, the Omaha World-Herald said in its August 27, 2005 editorial ''Foster put his stamp on the political map of Nebraska by the start of the 21st Century—not only because of his assistance in planting BEN NELSON firmly in the political firmament, but also in his steadfast efforts to make the Democratic Party a force in his North Omaha base.''

Much has been made of Sonny's firsts. He was the first African American elected to be student body president at Creighton University in 1973. He was the first African American elected to the Omaha Board of Education by district. He was also the first African American to run a statewide campaign in Nebraska. Sonny had a long and distinguished career in public service including serving as a legislative aide for Congressman John Cavanaugh and as deputy labor commissioner for Governor Bob Kerrey. When I was Governor, he served in multiple positions in my administration.

These are indeed significant accomplishments. And it is indeed appropriate that we celebrate them. But you know what Sonny treasured most was breaking the ground for others to follow—much more than anything he did on his own. In a very real sense, Sonny lived his life so others could enjoy their own success. Sonny lit the torch and passed it on. We must commit to never let that torch go out because of apathy or inaction. He set the standard—it is for others, for us, to now uphold.

I had a lot of time to think about what to say about Sonny in the eulogy I delivered at his memorial service hoping to do justice to a most remarkable life cut short by some divine plan which we must reluctantly accept. I started by listing his many qualities: Sonny was brilliant and perceptive. He was loyal, honest, trustworthy, dependable, responsible, competent, caring, passionate and compassionate.

He was totally trustworthy. Sonny was honest. He would tell you what you needed to know, not what he thought you wanted to hear. This was one of his most endearing qualities.

One time I teased him by saying I preferred to be told that my idea was unlikely to work rather than be asked ''who came up with that crazy idea?''

Sonny was focused on getting things done. No task was ever too big or important or too small for him. Stories abound about his tackling impossible immigration cases and solving them. He met my plane when he could have assigned it to someone else. Those 20 minute trips gave us uninterrupted time to talk, to catch up, and to tease one another about one thing or another.

Then there is Sonny's passion. Everyone has a story about how strongly Sonny Foster felt about each and every cause. He didn't suffer foolishness. He possessed the ability to sort things out. Not bashful, he told you what he thought and sometimes in colorful terms. Most of those terms cannot be repeated here. Some thought Sonny lacked patience. I see it the other way around. His dedication, his devotion to his work, his dogged perseverance manifested itself in bold and bombastic ways. When he cared, you knew it!

Underneath the bombast and the passion was a deep well of compassion. Sonny had a soft, caring side. I think today of all those constituents who benefited from his good work in our office. How he cared about their problems! He left an indelible impression.

An e-mail from a young TV reporter who has left Omaha for another market

wrote, ''A few years ago, Sonny took time out of his schedule to talk with me about working in politics. I walked away from that evening knowing Sonny loved his job meeting and working for all Nebraskans and representing Gov./Sen. NELSON. I'll never forget his guidance, career advice and passion for his job.''

What was an everyday meeting for Sonny made a lasting impression on this young man. Sonny had that affect on people.

I will be the first to admit that I wouldn't be standing here today after 15 years in elective office without Sonny. He had a political sense unmatched in Nebraska. He heard the rumblings long before the storms. He didn't need to poll anyone to determine the mood of the people. He just knew. His instincts were right on. And that's why people sought his opinion and listened when he spoke.

Mrs. Foster described the last time she was with Sonny as being ''jolly.'' Have I mentioned that laugh? Sonny filled the room with his presence and his persona. It overflowed when he laughed that unique, infectious belly laugh. No one enjoyed a practical joke more than Sonny, except maybe me! I think Mrs. Foster will forever keep that wonderful memory of Sonny and by sharing it with all of us has given us a gift we should cherish.

Thank you Sonny, for all you did for me, for my family, and most important, for the State of Nebraska. The ''good life'' will not quite be the same without you.●

CELEBRATING THE OPENING OF THE UNIVERSITY OF CALIFORNIA, MERCED CAMPUS

● Mrs. BOXER. Mr. President, I rise to recognize the opening of the University of California, Merced, the first new University of California campus in 40 years.

The University of California, Merced is the 10th campus in the University of California system, widely renowned as one of the finest public university systems in the world. Merced, located in the heart of the San Joaquin Valley in Central California, was selected as the site of the new campus in 1995 after a thorough and competitive screening process that took 7 years and involved more than 80 different locations.

The 1,000 students in the inaugural 2005 class are a shining example of the diversity that is a great strength of California. Students from Del Norte to San Diego, and from the Pacific Coast to the Sierra Nevada, make up the diverse student body population. A significant number of the students are the first in their families to attend college and come from underrepresented ethnic or racial minority groups in the Central Valley.

The University of California, Merced will grow steadily in the coming years. Initially, the university will offer major degrees in nine different majors from three disciplines: engineering, natural sciences, and social sciences, arts and humanities. Graduate degrees in the three major disciplines will also be available. Total enrollment is expected to reach 5,000 in 5 years and reach 25,000 in 2035. The number of academic programs and degree offerings will increase accordingly as the university grows.

The students, faculty, and staff of the inaugural UC Merced class deserve special praise for their vision as they take on the responsibility of building and expanding the 10th University of California to one that will some day be steep in tradition, history, and excellence. In due time, the students, faculty, and the staff of the first UC Merced class will be rightfully seen as pioneers to those who will follow in their path in the years and decades to come.

The opening of the University of California, Merced is made possible by the tireless work and dedication of scores of committed public officials, hard-working professionals, and determined citizens. Every person who has lent a helping hand to the UC Merced campus can take great pride in knowing that their hard work has resulted in greater opportunities for future generations of California students.

I congratulate the University of California, Merced on its opening, and wish its faculty, students and the community a bright future as they help make the Central Valley and California an even better place to live.●

CHARLES CITY, IOWA, REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways

For example, the citizens of Charles City, IA, are revitalizing their downtown and inspiring new interest in fine arts. Charles City received a Main Street Challenge Grant to construct an elevator addition to the Charles City arts center, which is housed in a historic, city-owned building that was originally a Carnegie Library. This elevator installation is the first phase of a project called ''Expanding Accessibility to the Arts,'' which aims to increase the number of people who can experience the programs and services offered by the arts center. The next steps in the plan are to refurbish the building's workshop and classroom areas to provide wheelchair access and eliminate sources of allergic reaction, and to expand the arts center exhibits and programs to meet the needs of the entire community.

This Carnegie Library building has been the cultural center of the Charles City community since it was opened to the public in 1904. When much of the downtown was devastated by a tornado in 1968, the Carnegie building was miraculously spared. In 2004, the Carnegie Library celebrated its centennial anniversary.

The addition of an elevator, plus other changes to improve access for people with disabilities, will help to equip the Carnegie Library building for its next 100 years. As the principal author of the Americans with Disabilities Act, I am heartened to see more and more of our old, historic buildings being retrofitted to improve access for citizens with disabilities.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Iowa Department of economic development provides technical assistance, but, as we have seen in Charles City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is demonstrates how renovations of old buildings can serve to jumpstart broader civic improvements. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Charles City for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate the city's historic downtown and improve access for people with disabilities are setting a terrific example for other small towns across America—and for that, I salute them.●

ADEL, IOWA, REINVIGORATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our

family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, Aubrey Dunbar and the citizens of Adel, IA are taking strides to improve commerce and aesthetics in their downtown area. Adel's Main Street revitalization efforts received a $45,000 Main Street Challenge Grant in 2004 to be used toward the purchase and installation of an elevator in Aubrey Dunbar's Grandeur on the Square, a three story effort containing shops and a restaurant. Mr. Dunbar kept the historic charm of the older buildings by refurbishing rather than replacing the tin ceilings, and even maintained the old Masonic symbol on one of the buildings.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Adel, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

Projects like the restoration of the Grandeur on the Square in Adel leverage the spirit and morale of people in our small towns and local communities. Grandeur on the Square has drawn affluent shoppers into Adel and has benefited downtown businesses. An average of 200 people now go through downtown Adel daily as a result of the shopping and dining opportunities created by Mr. Dunbar. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate Aubrey Dunbar and the citizens of Adel for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reclaim their heritage and reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

BEDFORD, IOWA, RECLAIMING HISTORY

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. It has a powerful multiplier effect. And it touches communities and people in very concrete ways.

For example, the citizens of Bedford, IA, have shown tremendous initiative in rescuing and restoring an important piece of their heritage, the Garland Hotel, formerly known as the Bedford House. This building and business has been a centerpiece in their downtown since 1857. The Garland Hotel was placed on the National Register of Historic Places by the National Park Service in 1977, but it fell into disrepair and closed in 1997.

The citizens of Bedford are now determined to restore the Garland Hotel its former glory, and they are doing so with the help of a Main Street Challenge Grant. The $40,000 Main Street grant is not only helping the Garland Hotel, it's serving as a catalyst to mobilize the community and leverage additional funding. $260,000 has been invested by private citizens and companies to see the project through its completion. The Main Street grant itself will be used to reinstall the hotel's historic columns, second floor balcony, and the original signage on the hotel's façade.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Bedford, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

Projects like the restoration of the Garland Hotel in Bedford leverage the spirit and morale of people in our small towns and local communities. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It sets a positive example. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Bedford for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reclaim their heritage and reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

WATERLOO, IOWA, REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective, and it touches communities and people in very concrete ways.

For example, the citizens of Waterloo are in the process of reinvigorating their downtown district. With the support of a HUD challenge grant, National Trust for Historic Preservation, the city of Waterloo, and the local Main Street program, the Fowler Project in Waterloo will play a significant role in the revitalization of its central business district. Upon its completion, the project will encourage and inspire additional participation in the downtown effort, and serve as a progressive economic engine of culture, arts, and entertainment. This will support the synergy of young professionals, increase members of the creative class in the Cedar Valley, and provide an alternative commercial enterprise for the city. The Fowler Project will be an integral tool in remaking downtown Waterloo into a thriving cultural, civic, and commercial crossroads of the Midwest.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Waterloo, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Waterloo for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other towns across America, and for that, I salute them.●

VALLEY JUNCTION, IOWA, INNOVATIVE EXPANSION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Valley Junction, IA, have been working hard to make their area a true destination in central Iowa and a more vibrant community. With the help of a Main Street Iowa Challenge Grant, the Lagniappe in Valley Junction, a trendy boutique offering art, jewelry, gifts, accessories, and clothing with an emphasis on local artists is now expanding. The retail area will be expanded by approximately 1,000 square feet and will offer garden art, fountains, planters, wind chimes, and other outdoor accessories. The new addition will also add a social flare to the specialty shop with an outdoor seating area for 50 people. The second floor remodeling will allow expanded selection of wine and gourmet foods. The addition of a coffee/wine bar, featuring a beautifully preserved oak and marble bar, will provide an elegant conversation area with access to a rooftop garden. This New Orleans-style atmosphere is quite fitting for this boutique, named for the Creole term for ''a little something extra''

This expansion project is mainly the brainchild of Caren Sturm, the owner of the Lagniappe. Her creative and innovative thinking serves as an inspiration to the rest of Valley Junction, and the project itself will allow for expanded business hours, special events, private parties, and jazz music on a regular basis. This upwards expansion is an innovative solution to the lack of commercial space present in the Valley Junction area. It is a model for other proprietors to emulate, as demand for retail space far exceeds the availability of property. I salute Caren Sturm and the rest of Valley Junction for their hard work to maintain the status of their town as one of the best retail and downtown areas in Iowa.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from local creativity. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Valley Junction, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Caren Sturm and the citizens of Valley Junction for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other shopping districts across America, and for that, I salute them.●

STORY CITY, IOWA, DOWNTOWN INVESTMENT

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my State is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example. the citizens of Story City, IA, and the editor of the Story City Herald, Eloise Thorson are making efforts to improve their downtown and spur investment in the area. Eloise and the Story City Herald received a Main Street Challenge Grant in 2003 to reclaim their old downtown location. In 1987, the building that had housed the Story City Herald was deemed unsafe for occupancy and demolished. Receipt of the $25,000 Main Street Challenge Grant was the true catalyst to the reestablishment of the Story City Herald in its original location.

This positive change is causing more positive change, as vacancies in Story City's downtown are being filled and more building owners are taking interest in improving the look of their downtown. Community pride in the downtown is returning. Since becoming a Main Street Iowa Community in November of 2004, Story City's downtown has seen over $4 million in private investment, as well as a net gain of 16 businesses and 46 jobs.

Eloise Thorson and the Main Street Challenge Grant gave a great deal back to the community by replacing a long vacant building lot with a magnificent piece of architecture, gracing Story City's ''main'' street. The community pride in this project is evident as pedestrians walk along Broad Street and stop to show off this new construction to visitors and tourists. Residents are proud to have this century-old business located back in the downtown district, renewing faith in the future of Story City.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Story City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Eloise Thorson and the citizens of Story City for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

SIGOURNEY, IOWA, IMPROVEMENTS

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and

identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Sigourney, IA, have been working hard to improve the image and opportunities offered by their downtown. Forty thousand dollars was awarded to the Sigourney Main Street-Chamber in the form of a Main Street Challenge Grant. The money was used to renovate the building that now houses the Copper Lantern, a restaurant, and Van's Lofts. Each property is on a prominent corner in Sigourney's downtown. Van's Lofts will provide high quality residential living with four new rental units, and the Copper Lantern now offers another dining option.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Sigourney, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes. Both of these projects are cornerstones of community development, and serve as an inspiration to other property owners in the area.

I congratulate the citizens of Sigourney for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

JEWELL, IOWA, DOWNTOWN REINVIGORATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in small communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my state is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the town of Jewell, IA is taking great strides to renovate and reinvigorate their downtown area. With the assistance of a Main Street Challenge grant, Jewell is taking great strides to restore the vitality and beauty of their Main Street. One such project is at 632 Main Street, a building that has housed a bank, a millinery, a newspaper office, and a senior citizen center. Although the building has been vacant for a number of years, the Jewell Area Development Enterprise plans to return the building to its former grandeur thanks in part to a Main Street HUD Challenge Grant. The hopes and dreams of the original builders will once again be seen in Jewell's future through the renovated building that will hold prosperous businesses on the main floor and an apartment on the upper story. The city received $40,000 through the Main Street Challenge program, and citizens have called that grant a catalyst for the renovation of 632 Main.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Iowa Department of economic development provides technical assistance, but, as we have seen in Jewell, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes. This project serves as an impetus for further downtown renovation projects, and the interest to continue in the beautification and restoration of downtown Jewell was clear when I visited it in August.

I congratulate the citizens of Jewell for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

GREENFIELD, IOWA, REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the citizens of Greenfield, IA, have been working hard to improve their downtown and their cultural opportunities. Main Street Greenfield was awarded a $30,000 Main Street Challenge Grant for the E.E. Warren Opera House Association to install an elevator. The $150,000 project was completed in July of this year. Other investments in the building have included weather proofing, outside façade improvements, and interior rehabilitation including theater restoration, installation of restrooms, mechanical and electrical systems, remodeling, and decorating. The Opera House, which is listed on the National Register of Historic Places, offers both historic and sentimental value to the Greenfield community. The physical size of the building and its architectural significance enhance the aesthetics of their public square. The Opera House itself serves as a social center for the arts, and as a site for community dances, theater performances, and meetings providing education in rural—folk—cultural, and fine arts. It also serves to draw business to Greenfield by increasing activity on the town square.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Greenfield, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

The addition of an elevator will improve access for people with disabilities and will equip the Opera House for its next 100 years. As the principal author of the Americans with Disabilities Act, I am heartened to see more and more of our old, historic buildings being retrofitted to improve access for citizens with disabilities.

So I congratulate the citizens of Greenfield for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

ELKADER, IOWA, RESTORATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Elkader restored and reopened one of the cornerstones of their town, the Elkader Cinema. The Elkader Cinema, formerly known as the ''Circle Theatre,'' was repaired with the assistance of a Main Street Challenge Grant. The faded, broken marquee and dilapidated building were sad focal points in Elkader's downtown, and the entire building was on the verge of demolition when the citizens of Elkader formed a special committee to spearhead the reopening the theatre. The committee was awarded a Main Street Challenge Grant of nearly $50,000. Without the grant from Main Street Iowa, the private party who purchased and renovated the theatre building most likely would not have undertaken the project, as it would have been too risky.

The theatre is now a thriving business. It is open seven days a week, and attendance has proven the seven-day-a-week schedule to be worthwhile. The theatre has had a very positive impact on other downtown businesses as well, bringing customers from all over Clayton County into Elkader. This project has been a tremendous success for Elkader, Clayton County and Main Street Iowa.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Elkader, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Elkader for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

DUBUQUE, IOWA, DOWNTOWN REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Dubuque, IA are showing much initiative in restoring and renovating their downtown area. Dubuque actually received two Main Street Challenge Grants for their downtown; one to restore a six-building, 30-residential unit, 13-storefront neighborhood, and one to revive a landmark building downtown.

The Upper Main Revitalization project started as a two-building rehab, and has since expanded to six buildings. Marking an important gateway into Dubuque's downtown district, Upper Main, arguably the neediest district in the city center, will be taken from one of the most blighted blocks remaining in downtown Dubuque to one of the most refreshed, vibrant stretches of street in the district. This project will put the second and third floors of these buildings back into residential use for the first time in more than 30 years. Momentum is already growing in this district as a result of this project.

The second grant will be used to renovate and restore the Old German Bank, whose most recent incarnation was as the Silver Dollar Cantina. This building is an extremely significant structure in the oldest Historic District in Dubuque. The building suffered a double hit 3 1/2 years ago when the sandy soil in the Main Street area settled, causing cracks in the building. This halted business for several months. Then a few months after it reopened, a fire totaled the building. The Silver Dollar Cantina was popular long before the Old Main district was considered to be trendy, so it was a considerable loss to the downtown area when it was forced to close. With the use of their Main Street Grant, the Silver Dollar will open again, filling the niche of a popular lunchtime spot and even more popular nightclub. This grant is serving to preserve a true anchor of the community.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Dubuque, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see the anchors on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Dubuque for putting together winning Main Street proposals. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

CENTRAL CITY, IOWA, DOWNTOWN REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of

our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Central City, IA, are making efforts to improve their downtown areas. Central City received a $50,000 Main Street Challenge Grant in 2002, and has since put that money to use renovating 4 different buildings.

This first project was built in 1914 as a bank, but housed taverns and bars for more than 60 years. It was vacant for 15 years before renovation, and is now in use as an art and gift center. It was the winner of a 2004 Main Street Iowa Award for best total rehabilitation of a small building.

The next project allowed an international shipping and marketing service company, to repair and re-paint the façade of their building, improving the roof, decking, masonry, and parapets.

The third project, the McShane Annex, has been empty since 1989 when a fire destroyed the interior of the building. Using the Main Street Grant, the building's renovation included a new rubber roof, removal of warped plywood covering on the windows, an installation of energy efficient windows, and a restoration of the historic storefront of the two-story, brick Victorian commercial building. The building is now the home of Timeless Treasures, an Americana retail store.

The final project is the renovation of the former Mills Hardware building, another two story, brick Victorian commercial structure. This building was vacant for 10 years. Rear windows were broken and the upstairs had become the home for nesting birds, but with the help of the Main Street grant, the building quickly turned into the home of Aragon Mortgage and Aragon Medical Equipment. Improvements and renovations to the building included the installation of a new roof, repair of the masonry, a paint job for the wood trim, the decorative metal window cornices, and the roof parapet, the addition of an ADA-compliant entrance, the creation of a new housing for the freight elevator, and the installation of more than 20 energy-efficient windows.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Central City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

These projects are a shining example of new construction and a catalyst for future projects. When people see the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes and future development.

I congratulate the citizens of Central City for putting together winning proposals to secure Main Street Challenge Grants. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

CEDAR FALLS, IOWA

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

An example of this effect can be found in the efforts of the citizens of Cedar Falls to restore and reinvigorate their downtown area. Downtown Cedar Falls pursued the Challenge Grant opportunity from Main Street Iowa on behalf of two projects: The Black Hawk Hotel, which is the oldest continuously running hotel in the state of Iowa; and the Jiva Salon spa building. Both buildings received dramatic façade improvements that restored the buildings to their intended looks, and as a result contributed to the success of the businesses that occupy them. The hotel also renovated its interior, adding a barber shop, an evening lounge, 24 luxury suites, a deli, and a sushi bar, and the salon now houses a first class spa that attracts a regional audience.

Downtown Cedar Falls is a newly recognized Cultural District by the Iowa Department of Cultural Affairs, and that designation resulted in part from the impact of these two projects along with the other investments encouraged through their initiative. The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Cedar Falls, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Cedar Falls for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to revitalize their historic downtown are setting a terrific example for other towns across America, and for that, I salute them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3650. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

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

H. Res. 422. Resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable William H. Rehnquist, Chief Justice of the United States.

The message further announced that the House has passed the following

joint resolution without amendment and with an amendment to the preamble:

S.J. Res. 19. Joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 52. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William H. Rehnquist, Chief Justice of the United States.

At 5: 18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to states for temporary assistance for needy families.

H.R. 3673. An act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

ENROLLED BILL SIGNED

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

H.R. 3650. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

The enrolled bill was signed subsequently by the Acting President pro tempore (Mr. SUNUNU).

At 8: 12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3673. An act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

Under authority of the order of September 8, 2005, the enrolled bill was signed on today, September 8, 2005, by the Majority Leader (Mr. FRIST).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (331)'' ((RIN2120–AA65)(2005–0021)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (81)'' ((RIN2120–AA65)(2005–0020)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3602. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (117)'' ((RIN2120–AA65)(2005–0022)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3603. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (16)'' ((RIN2120–AA63)(2005–0004)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3604. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (62)'' ((RIN2120–AA63)(2005–0005)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change of Controlling Agency for Restricted Area R–2531; Tracy, CA'' ((RIN2120–AA66)(2005–0180)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Compulsory Reporting Point; MT'' ((RIN2120–AA66)(2005–0187)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification and Revocation of Federal Airways; AK; CORRECTION'' ((RIN2120–AA66)(2005–0188)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Stage 4 Aircraft Noise Standards: Docket No. FAA–2003–16523; CORRECTION'' ((RIN2120–AH99)(2005–0002)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes'' (RIN2120–AI25) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Second-in-Command Pilot Type Rating'' (RIN2120–AI38) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of the Class E Airspace; Columbia Regional Airport, MO'' ((RIN2120–AA66)(2005–0166)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS'' ((RIN2120–AA66)(2005–0177)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and Class E Airspace; Salina Municipal Airport, KS'' ((RIN2120–AA66)(2005–0185)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification and Revocation of Federal Airways; AK; CORRECTION'' ((RIN2120–AA66)(2005–0178)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class C and Class E Airspace; Lincoln, NE'' ((RIN2120–AA66)(2005–0186)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Routes; AK: CORRECTION'' ((RIN2120–AA66)(2005–0174)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA'' ((RIN2120–AA66)(2005–0181)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Pascagoula, MS'' ((RIN2120–AA66)(2005–0191)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace;

Front Range Airport, Denver, CO'' ((RIN2120–AA66)(2005–0189)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Aspen, CO'' ((RIN2120–AA66)(2005–0170)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mariposa, CA'' ((RIN2120–AA66)(2005–0169)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chalkyitsik, AK; CORRECTION'' ((RIN2120–AA66)(2005–0173)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Restricted Area R–7104; Vieques Island, PR'' ((RIN2120–AA66)(2005–0190)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of VOR Federal Airway V–537'' ((RIN2120–AA66)(2005–0176)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of VOR Federal Airways V–9, V–50, V–67, V–69, V–129, V–173, and V–233; and Jet Routes J–35, J–80, J–101, and J–137; Springfield, IL'' ((RIN2120–AA66)(2005–0192)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Emmonak, AK'' ((RIN2120–AA66)(2005–0172)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Blairstown, NJ'' ((RIN2120–AA66)(2005–0168)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Brunswick, ME; CORRECTION'' ((RIN2120–AA66)(2005–0179)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mead Municipal Airport, KS'' ((RIN2120–AA66)(2005–0171)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Newton City-County Airport, KS'' ((RIN2120–AA66)(2005–0167)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Washington, MO'' ((RIN2120–AA66)(2005–0175)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dodge City Regional Airport, KS'' ((RIN2120–AA66)(2005–0184)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Norfolk, NE'' ((RIN2120–AA66)(2005–0183)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Abilene Municipal Airport, KS'' ((RIN2120–AA66)(2005–0182)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–1A11 (CL–600), Model CL–600–2A12 (CL–601), and Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes'' ((RIN2120–AA64)(2005–0375)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211–524 Series Turbofan Engines'' ((RIN2120–AA64)(2005–0374)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(2005–0373)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320–111 Airplanes and Model A320–200 Series Airplanes'' ((RIN2120–AA64)(2005–0372)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 Airplanes, and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, –145EP Airplanes'' ((RIN2120–AA64)(2005–0371)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes'' ((RIN2120–AA64)(2005–0370)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)'' ((RIN2120–AA64)(2005–0369)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–200C and 747–200F Series Airplanes'' ((RIN2120–AA64)(2005–0368)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F Series Airplanes'' ((RIN2120–AA64)(2005–0382)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8F–54, and DC–8F–55 Airplanes; and DC–8–50, DC–8–60, DC–8–60F, DC–8–70 and DC–8–70F Series Airplanes'' ((RIN2120–AA64)(2005–0383)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

REPORT ON THE SUSPENSION OF SUBCHAPTER IV OF CHAPTER 31 OF TITLE 40, UNITED STATES CODE, WITHIN A LIMITED GEOGRAPHIC AREA IN RESPONSE TO THE NATIONAL EMERGENCY CAUSED BY HURRICANE KATRINA—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions:

To the Congress of the United States:

I hereby report that I have exercised my statutory authority under section 3147 of title 40, United States Code, to suspend the provisions of 40 U.S.C. 3141–3148 in the event of a national emergency. I have found that the conditions caused by Hurricane Katrina constitute a ''national emergency'' within the meaning of section 3147. I have, therefore, suspended the provisions of 40 U.S.C. 3141–3148 in designated areas in the States of Alabama, Florida, Louisiana, and Mississippi.

This action is more fully set out in the enclosed proclamation that I have issued today.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2005, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration:

Special Report entitled ''Review of Legislative Activity During the 108th Congress'' (Rept. No. 109–135).

The following reports are for nominees discharged from the Committee on Foreign Relations and confirmed on Friday, July 29, 2005:

William Robert Timken, Jr., of Ohio, to be Ambassador to the Federal Republic of Germany.

Nominee: William R. Timken. Jr.

Post: Ambassador to Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributor: Self (William R. Timken, Jr.)—

Contributions to non-federal ''exempt from limits'' committees: Amount, date, donee: $900, 1/24/01, RNC—Republican Nat. State Elections Committee; $4,122, 1/24/01, RNC—Republican Nat. State Elections Committee; $30,000, 4/26/01, RNC—Republican Nat. State Elections Committee; $40,000, 10/10/02, RNC—Republican Nat. State Elections Committee; $5,000, 4/25/01, Nat. Republican Congressional Comm.—Non-Fed. #2.

Contributions to Federal political committees: Amount, date, donee: $1,000, 11/6/01, Elizabeth Dole Committee, Inc.; $1,000, 10/11/02, Elizabeth Dole Committee, Inc.; $2,499, 6/30/01, Timken Company Good Government Fund; $3,745, Year 2002, Timken Company Good Government Fund; $5,000, 4/10/01, Ohio's 17 Star PAC; $5,000, 4/22/02, Ohio's 17 Star PAC; $5,000, 8/18/03, Ohio's 17 Star PAC; $1,000, 3/11/03, Mike DeWine for U.S. Senate; $1,000, 3/4/04, Mike DeWine for U.S. Senate; $2,000, 3/4/04, Mike DeWine for U.S. Senate; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 11/9/01, Collins for Senate; $1,000, 9/6/02, Turner for Congress; $8,500, 6/9/03, National Republican Senatorial Committee; $8,500, 6/20/03, National Republican Congressional Committee; $1,000, 8/27/03, Bill McCollum for U.S. Senate; $2,000, 6/2/03, Bush-Cheney '04 (primary); $5,000, 12/31/03, Care Political Action Committee; $1,500, 1/25/01, Stark County Republican Party; $1,500, 2/21/02, Stark County Republican Party; $2,000, 2/20/03, Stark County Republican Party; $1,500, 10/24/03, Stark County Republican Party; $20,000, 12/19/01, Republican National Committee; $20,000, 12/22/03, Republican National Committee; $1,000, 2/22/02, Rely on Your Belief Fund, $1,000, 6/12/02, Ohio's Republican Salute.

Contributor: Spouse (Sue S. Timken)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 12/28/01, Elizabeth Dole Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $2,000, 6/2/03, Bush-Cheney '04 (primary); $5,000, 12/31/03, Care Political Action Committee; $1500, 1/26/01, Stark County Republican Party; $20,000, 12/22/03, Republican National Committee; $1,000, 3/11/03, Mike DeWine for U.S. Senate; $1,000, 3/4/04, Mike DeWine for U.S. Senate; $25,000, 7/26/04, Northern Ohio Victory Committee; $30,000, 7/28/04, 2004 Joint Candidate Committee; $7,000, 7/28/04, 2004 Joint State Victory Committee; $2,000, 9/17/04, Bush-Cheney '04 Compliance Committee.

Children and Spouses: Kristen C. Timken—none.

Contributor: H.H. Timken, II (son)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 11/1/01, Elizabeth Dole Committee; $5,000, 3/18/04, Care Political Action Committee; $2,000, 6/30/03, Bush-Cheney '04 (primary).

Contributor: William R. Timken, III (son)—

Contributions to Federal political committees: Amount, date, donee: $500, 8/16/04, Republican National Committee; $2,000, 9/30/04, Voinovich for Senate Committee.

Contributor: Mark P. Timken (son)—

Contributions to Federal political committees: Amount, date, donee: $500, 6/30/04, John Kerry for President.

Spouses: Lydia Timken—none; Heather Timken—none.

Contributor: Brice W. Karsh (stepson)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 6/23/03, Bush-Cheney '04 (primary).

Contributor: Frances M. Karsh (stepdaughter)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 10/29/03, Bush-Cheney '04 (primary).

Contributor: Catherine Boisvert (stepdaughter-in-law)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 5/12/04, Bush-Cheney '04 (primary).

Parents: William R. Timken—deceased 1995—none.

Contributor: Mary J. Timken (mother)—deceased 2004—

Contributions to non-Federal ''exempt from limits'' committees: Amount, date, donee: $10,000, 4/25/01, Nat. Republican Congressional Comm.—Non-Fed. #2; $20,000, 12/19/01, RNC—Republican Nat. State Elections Committee; $40,000, 10/10/02, RNC—Republican Nat. State Elections Committee.

Contributions to Federal political committees: Amount, date, donee: $1000, 11/6/01, Elizabeth Bole Committee; $1000, 10/11/02, Elizabeth Dole Committee; $2000, 3/4/04, Mike DeWine for U.S. Senate; $2000, 3/4/04, Mike DeWine for U.S. Senate; $1000, 11/9/01, Collins for Senate; $1000, 8/16/01, Voinovich for Senate Committee; $1000, 8/16/01, Voinovich for Senate Committee; $1000, 6/21/03, Voinovich for Senate Committee; $1000, 6/21/03, Voinovich for Senate Committee; $2000, 6/2/03, Bush-Cheney '04 (primary); $9000, 6/9/03, National Republican Senatorial Committee; $9000, 6/20/03, National Republican Congressional Committee; $5000, 9/30/03, Care Political Action Committee; $5000, 4/30/04, Care Political Action Committee; $2000, 1/25/01, Stark County Republican Party; $2000, 2/21/02, Stark County Republican Party; $2000, 2/20/03, Stark County Republican Party; $1500, 10/24/03, Stark County Republican Party; $20,000, 4/27/01, Republican National Committee; $10,000, 12/22/03, Republican National Committee; $10,000, 9/24/03, Ohio State Central & Executive Committee.

Grandparents: H.H. Timken—(deceased 1940)—none; Edith K. Timken—(deceased 1948)—none; Ward B. Jackson—(deceased 1930)—none; Maude B. Jackson—(deceased 1943)—none.

Contributor: Ward J. Timken (brother)—

Contributions to Federal political committees: Amount, date, donee: $5,000, 12/31/03, Care Political Action Committee; $1,000, 10/22/01, Elizabeth Dole Committee; $1,000, 10/11/02, Elizabeth Dole Committee; $2,000, 2/19/04, Mike DeWine for U.S. Senate; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 6/25/03, Voinovich for Senate Committee; $1,000, 6/25/03, Voinovich for Senate Committee; $250, 12/10/02, Regula for Congress; $1,000, 11/9/01, Collins for Senator; $2,000, 6/6/03, Bush-Cheney '04 (primary); $1,500, 3/9/01, Stark County Republican Party; $1,000, 9/17/03, Stark County Republican Party; $1,500, 10/24/03, Stark County Republican Party; $1,800, 6/30/01, Timken Company Good Government Fund; $2,700, Year 2002, Timken Company Good Government Fund; $1,800, 12/31/03, Timken Company Good Government Fund; $25,000, 7/26/04, Northern Ohio Victory Committee; $23,000, 8/2/04, 2004 Joint State Victory Committee; $24,000, 8/2/04, 2004 Joint State Candidate Committee.

Contributor: Joy A. Timken (sister-in-law)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 12/28/01,

Elizabeth Dole Committee; $250, 9/30/04, Care Political Action Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 9/30/04, Voinovich for Senate Committee; $2,000, 6/6/03, Bush-Cheney '04 (primary); $1,500, 4/6/01, Stark County Republican Party; $4,500, 10/11/04, Stark County Republican Party; $25,000, 7/29/04, Northern Ohio Victory Committee.

Sister and Spouse: Edith M. Timken (Wilkins)—none; Anthony Wilkins—none.

William J. Burns, of the District of Columbia, to be Ambassador to the Russian Federation.

Nominee: William J. Burns.

Post: Ambassador to Russia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: William J. Burns—none.
2. Spouse: Lisa A. Carty—none.
3. Children and Spouses: Elizabeth Burns—none; Sarah Burns—none.
4. Parents: William F. Burns—none; Margaret C. Burns—none.
5. Grandparents: William H. Burns (deceased); Eleanor Burns (deceased); John Cassady (deceased); Mary Cassady (deceased).
6. Brothers and Spouses: John R. Burns—none; Ann Davis Burns—none; Mark E. Burns—none; Jennifer Burns—none; Robert P. Burns—none; Vicki Burns—none.

Richard Henry Jones, of Nebraska, to be Ambassador to Israel.

Nominee: Richard Henry Jones.

Post: Ambassador to Israel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Joseph A.W. Jones—none; Vera E.W. Jones—none; R. Benjamin W. Jones—none; M. Hope W. Jones—none.
4. Parents: Dailey M. Jones (deceased); Sara N. Jones (deceased).
5. Grandparents: Mr. and Mrs. B.O. Jones (both deceased); Mr. and Mrs. J.A. Nall (both deceased).
6. Sisters and Spouses: Dailey M. Jones II—$100, August 2004 George W. Bush; (spouse) Irene Jones—none; Joseph N. Jones—(deceased).

Francis Joseph Ricciardone, Jr., of New Hampshire, to be Ambassador to the Arab Republic of Egypt.

Nominee: Francis Joseph Ricciardone, Jr.

Post: U.S. Embassy, Cairo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: Marie Dunn Ricciardone, Francesca Mara Ricciardone, Chiara Teresa Ricciardone—0.
4. Parents: Francis J. Ricciardone (mother, deceased)—0.
5. Grandparents: (deceased)—0.
6. Brothers and Spouses: Michael and Elizabeth Ricciardone; James and Lisa Ricciardone; David and Beverly Ricciardone—0.
7. Sisters and Spouses: Dr. Marguerite Ricciardone Stone and Dr. David R. Stone; Theresa Ricciardone Thayer and Peter Thayer—0.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH:

S. 1632. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance for certain property acquired during the 3-year period beginning August 29, 2005; to the Committee on Finance.

By Mr. TALENT (for himself and Mr. BOND):

S. 1633. A bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators; to the Committee on the Judiciary.

By Mr. FRIST (for Mr. VITTER (for himself, Ms. LANDRIEU, Mr. SPECTER, Mr. LEAHY, Mr. COCHRAN, Mr. CORNYN, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. GRASSLEY, and Mr. KYL)):

S. 1634. A bill to allow United States courts to conduct business during emergency conditions, and for other purposes; considered and passed.

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, and Mr. LIEBERMAN):

S. 1635. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. TALENT, Mr. OBAMA, and Mr. BOND):

S. 1636. A bill to provide agricultural disaster assistance to producers on a farm that incurred qualifying crop or quality losses for the 2005 crop due to damaging weather or related condition, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Ms. LANDRIEU, Mr. OBAMA, Ms. MIKULSKI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN):

S. 1637. A bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 1638. A bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. BAUCUS, Mr. INOUYE, Mr. GRASSLEY, Mr. THOMAS, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. DOMENICI, Mr. COCHRAN, and Mrs. FEINSTEIN):

S. 1639. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 1640. A bill to prohibit price gouging relating to certain goods and services in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1641. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damage attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 1642. A bill to prohibit narco-terrorists from aiding and supporting terrorists and terrorist organizations; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1643. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1644. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1645. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. REID, and Mrs. MURRAY):

S. 1646. A bill to provide for the care of veterans affected by Hurricane Katrina; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself, Ms. LANDRIEU, Mr. LEAHY, Mr. DURBIN, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Ms. CANTWELL, Mr. AKAKA, Mr. OBAMA, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. SALAZAR, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1647. A bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 604

At the request of Mr. CRAIG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 649

At the request of Mr. ALLARD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 649, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 927

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 927, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 967

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 967, a bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1014

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1137

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1137, a bill to include dehydroepiandrosterone as an anabolic steroid.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1339

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1339, a bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

S. 1367

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1388

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1388, a bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 1440

At the request of Mr. CRAPO, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1488

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1523

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the

Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1628

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1628, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal Pell Grants and are adversely affected by a natural disaster.

S. 1630

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. RES. 184

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 225

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 225, a resolution designating the month of November 2005 as the ''Month of Global Health''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, and Mr. LIEBERMAN):

S. 1635. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. President, I rise today to introduce, with my colleague Senator MARTINEZ, a bill that will balance the needs of fishermen with the needs of some of our most precious and vulnerable ocean resources: deep sea corals and sponges. Fishing and fishing communities are an important part of our culture, our history, and our economy. Deep sea corals and sponges are an important suite of species with wide economic potential extreme valuable ecologically. It is imperative that we protect the needs of both.

Deep sea corals are similar to tropical shallow-water corals, but are found in the deep cold waters near seamounts, ridges, undersea canyons, and the margins of the continental shelf. Like shallow-water corals, deep sea corals and sponges can form deepreefs and gardens that are essential to numerous marine species. For example, more than 1,300 species live among the Lophelia coral reefs in the northeastern Atlantic Ocean. These animals rely on complex coral and sponge habitats for spawning, food, and shelter from predation.

Deep sea corals and sponges are also important to humans. They provide habitat that commercially and recreationally important fish can use, and many are under study as sources of new biomedical compounds to fight various diseases.

Scientists around the world believe that these newly discovered deep sea corals and sponges are as important as, if not more important than, their tropical cousins. The U.S. Commission on Ocean Policy suggested that the biodiversity of deep sea coral communities may rival that of shallow-water coral reefs. The National Oceanic and Atmospheric Administration stated in 2002 that deep sea coral ecosystems are ''much more extensive and of more widespread economic importance than tropical coral reefs.''

Unfortunately, some types of fishing gear are detrimental to deep sea coral and sponge habitat. Today there is a serious risk that these precious deep sea corals, sponges, and their complex habitats will be inadvertently destroyed before they can be properly assessed by the scientific community. A single pass with a bottom trawl can wipe out a swath of this habitat that, because these species are extremely slow-growing, can remain bare for decades if not centuries. The U.S. Commission on Ocean Policy's 2004 report emphasizes that deep sea corals need action for protection. Five of the eight Regional Fisheries Management Councils agree, and have recently set aside many of their coral habitat areas as no-bottom-trawling zones.

The Bottom Trawl and Deep Sea Coral Habitat Act builds on actions of these Councils, providing protection for deep sea corals and sponges while also preserving fishermen's access to areas that have traditionally been trawled. The bill establishes three types of zones. Areas that are known to contain deep sea corals and sponges are set aside as Coral Habitat Zones, granting these species immediate protection. Areas that have been trawled at any time in the past seven years are established as Bottom Trawling Zones, where bottom trawling is permitted. Areas that fit neither category are defined Undesignated Zones, available at any time to be assigned as either Coral Habitat or Bottom Trawling Zones with results of research activities. Fishermen play a large role, through the Regional Councils, in defining how large these zones will be, and other types of fishing that do not use bottom gear are not impacted.

The process of zone designation is designed not to shrink the area of existing bottom trawling but to limit the opening of new grounds to bottom trawling until after scientists discover the extent of deep sea corals and sponges. The intent is to preserve access to all areas that do not contain deep sea coral and sponge and that have been part of the fishing community's traditional grounds. These are not small areas. Traditional bottom trawl grounds include a large proportion of the U.S. Exclusive Economic Zone: 10 percent according to National Research Council data. In some regions, 75 percent of the shelf within 50 miles of shore in is trawled with bottom gear.

We must act quickly, and our legislation provides a balanced approach to protection of fishing and protection of the environment. I call on my colleagues on the Commerce Committee, and the Senate leadership to take up, consider, and pass this bill as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1635

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bottom Trawl and Deep Sea Coral Habitat Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Ocean resources are a vital component of the United States economy, as noted by the United States Commission on Ocean Policy.

(2) A proper balance of use and protection of ocean resources is necessary to ensure the sustainability of such resources.

(3) Deep ocean habitats provide fishery resources and sites for deep sea corals and deep sea sponges.

(4) Many fishermen of the United States derive their livelihoods from fishing in deep ocean areas.

(5) It is important that fishermen continue to be permitted to use areas that have traditionally been fished, as long as conservation considerations allow.

(6) According to the National Research Council, approximately 10 percent of the United States Exclusive Economic Zone, an area of a total of 3,400,000 square nautical miles, is used each year by fishermen who employ bottom trawls and, in the area that is 50 miles or less from shore, this percentage is higher than 75 percent in some regions.

(7) Vessel monitoring systems are increasingly used in the fishing industry. For example, coverage of such systems for bottom trawl vessels in the Pacific and North Pacific is 100 percent.

(8) Deep sea corals and deep sea sponges host biological diversity that, according to the United States Commission on Ocean Policy, ''may rival that of coral communities in warmer, shallower waters''. For example, more than 1,300 species live among Lophelia coral reefs in the northeastern Atlantic Ocean.

(9) Complex seafloor habitats created by structure-forming organisms, such as deep sea corals and deep sea sponges, provide spawning habitat, food, and shelter to numerous fishes and other associated species,

including commercially and recreationally targeted species.

(10) Deep sea corals and deep sea sponges typically exhibit slow growth, extreme longevity, and highly patchy distribution, predominately along continental margins, seamounts, undersea canyons, and ridges.

(11) Deep sea corals and deep sea sponges have not been fully studied for their benefit to society or for their ecological importance to other associated species.

(12) Deep sea corals, deep sea sponges, and their associated invertebrates are a potential source of compounds with biomedical properties, some of which are currently in clinical trials to study their anti-cancer, anti-tumor, and anti-inflammatory properties.

(13) The United States Commission on Ocean Policy found that deep sea corals, along with their shallow-water counterparts, are declining at a ''disturbing pace,'' and that certain types of fishing gear damage deep sea coral ecosystems.

(14) The National Research Council, in a 2002 report to Congress on the effects of trawling and dredging on seafloor habitats, found that deep sea corals warrant protection, based on evidence of the destruction of structured habitats caused by bottom trawls and dredges.

(15) The President's Ocean Action Plan of 2004 ''encourages all regional fishery management councils to take action, where appropriate, to protect deep-sea corals when developing and implementing regional fishery management plans'' and includes provisions to ''research, survey, and protect deep-sea coral communities''.

(16) In 2005, the North Pacific Fishery Management Council proposed measures that will be adopted pending approval by the Secretary of Commerce to confine use of bottom trawls in the Aleutian Islands exclusive economic zone to specified historically productive fishing areas, to disallow use of bottom trawls in historically unfished areas of Aleutian Islands waters where deep sea corals have been undisturbed, to designate as no-trawling zones those areas where coral ecosystems are known to exist, and to develop a comprehensive plan for research and monitoring.

SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to permit fishermen to use bottom trawls in areas that, traditionally, have been fished using bottom trawls and that do not contain deep sea coral and sponge ecosystems;

(2) to provide long-term protection for deep sea coral and sponge ecosystems, particularly in areas that have not traditionally been fished with bottom trawls; and

(3) to identify, map, and assess deep sea coral and sponge ecosystems to create a balanced policy for maintenance of fishing and protection of deep sea ecosystems.

(b) PROCESS.—The Secretary shall use a process that achieves an outcome similar to the outcome achieved by the North Pacific Regional Fishery Management Council—

(1) to protect the habitat of deep sea corals or deep sea sponges to carry out the purposes of this Act; and

(2) to identify areas that are open to the use of bottom trawls and areas closed to such use where deep sea coral and sponge ecosystems are present and protected.

SEC. 4. DEFINITIONS.

In this Act:

(1) BOTTOM TRAWL.—The term ''bottom trawl'' means any trawl or dredge fishing gear that contacts the seafloor while in use, including pelagic trawls that contact the seafloor while in use, otter trawls, and scallop dredges.

(2) BOTTOM TRAWL ZONE.—The term ''Bottom Trawl Zone'' means any area designated under section 7 or section 10 as a Bottom Trawl Zone.

(3) CORAL HABITAT CONSERVATION ZONE.—The term ''Coral Habitat Conservation Zone'' means any area designated under section 8 or section 11 as a Coral Habitat Conservation Zone.

(4) COUNCIL.—The term ''Council'' means any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(5) DEEP SEA CORAL AND SPONGE ECOSYSTEM.—The term ''deep sea coral and sponge ecosystem'' means an ecosystem that meets the criteria established by the Secretary pursuant to section 5(d) of this Act composed of living deep sea corals or deep sea sponges, the benthic and demersal species associated with them, and the biological, physical, chemical, and geologic components that constitute habitat for corals or sponges.

(6) DEEP SEA CORALS.—The term ''deep sea corals'' means the species that—

(A) occur at a depth of greater than 50 meters;

(B) do not contain symbiotic algae; and

(C) are in the phylum Cnidaria, in the order—

(i) Antipatharia (black corals);

(ii) Scleractinia (stony corals);

(iii) Gorgonacea (horny corals);

(iv) Alcyonacea (soft corals);

(v) Pennatulacea (sea pens), in the class Anthozoa; or

(vi) Hydrocorallina (hydrocorals), in the class Hydrozoa.

(7) DEEP SEA SPONGES.—The term ''deep sea sponges'' means species of the phylum Porifera that occur at a depth of greater than 50 meters.

(8) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce or the Secretary's designee.

(10) VESSEL MONITORING SYSTEM.—The term ''Vessel Monitoring System'' means a type of mobile transceiver unit that—

(A) is approved by the Office of Law Enforcement of the National Marine Fisheries Service; and

(B) automatically determines the vessel's position and transmits that information to a communications service provider that is approved by such Office for transmission and relay to such Office.

SEC. 5. MAPPING AND RESEARCH.

(a) REQUIREMENT FOR MAPPING AND RESEARCH.—The Secretary shall direct the Under Secretary for Oceans and Atmosphere to prepare and carry out a comprehensive program to explore, identify, research, and map the locations of deep sea corals and deep sea sponges.

(b) DESCRIPTION OF MAPPING AND RESEARCH.—The program described in subsection (a) shall include—

(1) creating maps of the locations of deep sea coral and sponge ecosystems; and

(2) conducting research related to deep sea corals and deep sea sponges, including research related to—

(A) the natural history of such species;

(B) the taxonomic classification of such species;

(C) the ecological roles of such species;

(D) the growth rates of such species;

(E) the anthropogenic, ecological, and other benefits of such species and the habitats of such species; and

(F) the correlation of deep sea corals and deep sea sponges with various types of geologic formations, physical features, and other predictors of presence.

(c) COOPERATIVE RESEARCH PROGRAM.—The Secretary, in consultation with the Councils, shall develop a cooperative research program to identify—

(1) the ideal areas for the use of bottom trawls; and

(2) the locations of deep sea corals and deep sea sponges.

(d) THRESHOLDS OF DEEP SEA CORAL AND SPONGE PRESENCE.—

(1) IN GENERAL.—The Secretary, in consultation with the Councils and expert scientists, shall determine the thresholds above which the abundances of various deep sea corals or deep sea sponges shall be considered to constitute an ecosystem. In determining such thresholds, the Secretary shall consider the life histories and growth rates of deep sea corals and deep sea sponges and the criteria set out in paragraph (2).

(2) CRITERIA.—In determining the thresholds under paragraph (1), the Secretary shall consider the following criteria:

(A) Bycatch per unit effort of deep sea corals or deep sea sponges in fishery trawls.

(B) Presence of deep sea corals or deep sea sponges in research surveys.

(C) Predictions of the presence of deep sea corals or deep sea sponges based on correlations with geologic or physical features.

(D) Other methods indicating ecologically meaningful presence of these species in an area.

SEC. 6. USE OF BEST AVAILABLE DATA.

(a) REQUIREMENT.—The Secretary shall use the best available data to determine if an area shall be designated as a Bottom Trawl Zone or as a Coral Habitat Conservation Zone.

(b) CONSIDERATIONS.—In delineating the boundary and determining the size of an area to be designated as a Bottom Trawl Zone or a Coral Habitat Conservation Zone, the relevant council and the Secretary shall consider—

(1) the precision and accuracy of the available trawl location data considered in making such determination;

(2) the precision and accuracy of deep sea coral and deep sea sponge presence data considered in making such determination;

(3) the economic cost of such designation to industry and the ecological costs and benefits of such designation to deep sea corals and deep sea sponges in the area; and

(4) the ease of enforcement of such designation.

(c) CORAL HABITAT CONSERVATION ZONES.—Notwithstanding the considerations in subsection (b), in delineating the boundary and determining the size of an area to be designated as a Coral Habitat Conservation Zone, the relevant Council and the Secretary—

(1) shall ensure that each area that is determined to contain a deep sea coral and sponge ecosystem is designated as a Coral Habitat Conservation Zone; and

(2) may include a buffer area around deep sea corals or deep sea sponges present in such Zone to ensure the complete protection of potential deep sea corals or deep sea sponges in the area or to facilitate the enforcement of any appropriate prohibitions, rules, or regulations within such Zone.

SEC. 7. INITIAL DESIGNATION OF BOTTOM TRAWL ZONES.

(a) RECOMMENDATION BY A COUNCIL.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary and the Secretary shall publish in the Federal Register—

(1) a list of all areas for which the Council has responsibilities that were fished using bottom trawls during the 7-year period ending on December 31, 2004; and

(2) recommendations on which portions of the areas identified in paragraph (1) should be designated as Bottom Trawl Zones.

(b) STANDARDS FOR INITIAL DESIGNATION.—An area may not be designated as a Bottom Trawl Zone if there is evidence that a deep sea coral and sponge ecosystem is present in such area.

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations in the Federal Register pursuant to subsection (a)(2), the Secretary shall publish in the Federal Register a proposed rule to designate each area or the portion of such area that does not contain a deep sea coral and sponge ecosystem as a Bottom Trawl Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (a), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Bottom Trawl Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on a proposal published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall designate an area included in a proposal published under paragraph (1) or (2) as a Bottom Trawl Zone if such area meets the standards for such designation set out in subsection (b).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

(d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—After the date that is 30 days after the date of the end of the comment period described in subsection (c)(3), bottom trawls may not be used in an area that is not designated as a Bottom Trawl Zone.

SEC. 8. INITIAL DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) DESIGNATION BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall designate as a Coral Habitat Conservation Zone each area—

(A) that a Council, prior to the date of enactment of this Act, has designated as an area in which the use of bottom trawls is prohibited for the protection of seafloor habitat; or

(B) for which a map of the presence of deep sea corals or deep sea sponges has been developed and for which the best available data confirm the presence of deep sea corals or deep sea sponges.

(2) PUBLICATION AND EFFECTIVE DATE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register each area designated as a Coral Habitat Conservation Zone under paragraph (1) and such designation shall become effective on the date of such publication.

(b) RECOMMENDATION BY A COUNCIL.—

(1) SUBMISSION TO THE SECRETARY.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary a list of all areas known to contain deep sea corals or deep sea sponges.

(2) INCLUDED AREAS.—A list submitted by a Council under paragraph (1) shall include each area that was considered for designation as a Bottom Trawl Zone under section 7(a) if such area that was determined by the Council or the Secretary to contain a deep sea coral and sponge ecosystem.

(3) PUBLICATION.—The Secretary shall publish in the Federal Register a list submitted by a Council under paragraph (1).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations pursuant to subsection (b)(3), the Secretary shall publish in the Federal Register a proposed rule to designate each area identified in such publication as a Coral Habitat Conservation Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (b)(1), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Coral Habitat Conservation Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall—

(i) designate each area, or portion of such area, included in a proposed rule published under paragraph (1) as a Coral Habitat Conservation Zone, if there is rational basis for such designation; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification for such failure.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under paragraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (3), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

SEC. 9. UNDESIGNATED AREAS.

An area not initially designated as a Bottom Trawl Zone under section 7 or as a Coral Habitat Conservation Zone under section 8 shall be available for subsequent designation as a Bottom Trawl Zone under section 10 or as a Coral Habitat Conservation Zone under section 11.

SEC. 10. SUBSEQUENT DESIGNATION OF BOTTOM TRAWL ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—After the initial designations of Bottom Trawl Zones made under section 7, the Secretary, in consultation with the relevant Council, shall designate an area as a Bottom Trawl Zone if—

(1) the area has been surveyed for the presence of deep sea corals and deep sea sponges; and

(2) there is no deep sea coral and sponge ecosystem present in the area.

(b) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any previously undesignated area for designation as a Bottom Trawl Zone. The Secretary may designate such area as a Bottom Trawl Zone under this section only if such area meets the designation standards set out in paragraphs (1) and (2) of subsection (a).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed rule to designate an area that is not a Bottom Trawl Zone or a Coral Habitat Conservation Zone and that meets the standards set out in paragraphs (1) and (2) of subsection (a) as a Bottom Trawl Zone whether identified by the Secretary or by a Council pursuant to subsection (b).

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall designate as a Bottom Trawl Area each area, or part of such area, included in a proposed rule published under paragraph (1) if the area meets the requirements of paragraphs (1) and (2) of subsection (a).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

SEC. 11. SUBSEQUENT DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—The Secretary, in consultation with the Councils, shall designate an area as a Coral Habitat Conservation Zone if the best available data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(b) SUBSEQUENT DESIGNATION THROUGH BYCATCH RECORDS, RESEARCH, OR MAPPING.—

(1) REVIEW OF DATA.—The Secretary shall continually collect and review, for the purpose of making a determination on the presence of deep sea coral and sponge ecosystems in an area, the following data:

(A) Bycatch records.

(B) Data and analysis that results from the mapping and research conducted pursuant to section 5.

(C) Any other research, mapping, or survey data that the Secretary determines is appropriate.

(2) DESIGNATIONS BASED ON THE REVIEW OF DATA.—If the Secretary, in consultation with the relevant Council, determines that data reviewed under paragraph (1) indicates the presence of a deep sea coral and sponge ecosystem, the Secretary, in consultation with the Council, shall designate the area as a Coral Habitat Conservation Zone and, if appropriate, terminate the designation of the area as a Bottom Trawl Zone.

(c) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any area for designation as a Coral Habitat Conservation Zone.

(d) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed rule to designate an area identified by the Secretary, in consultation with the appropriate Councils, under subsection (a) or (b) or by a Council under subsection (c) as a Coral Habitat Conservation Zone if data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall—

(i) designate as a Coral Habitat Conservation Zone each area, or part of such area, included in a proposed rule published under paragraph (1) if data indicate the presence of a deep sea coral and sponge ecosystem in such area; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification that explains the reasons that the best available data do not indicate the presence of a deep sea coral and sponge ecosystem in such area.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under subparagraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (2), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

SEC. 12. STRICTER REGULATION PERMITTED AND SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act shall restrict the authority provided to the Secretary by any other provision of law to promulgate, with or without the advice of the appropriate Council, fishery or habitat protection measures for any purpose that are more restrictive than the measures set out in this Act.

(b) SAVINGS CLAUSE.—All rules and regulations issued by the Secretary under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) pertaining to the conservation, management, or protection of deep sea corals or deep sea sponges shall continue in full force and effect after the date of enactment of this Act until modified or rescinded by the Secretary, in exercise of the authority provided to the Secretary under any provision of law.

SEC. 13. USE OF VESSEL MONITORING SYSTEMS.

Not later than 24 months after the date of enactment of this Act, a vessel that uses a bottom trawl in waters deeper than 50 meters shall use a Vessel Monitoring System capable of accurately detecting and reporting the position of the vessel whenever the vessel leaves port with a bottom trawl on board.

SEC. 14. PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated the prohibition set out in section 7(d) is liable to the United States for a civil penalty under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) as if such person had committed an act prohibited by section 307 of such Act (16 U.S.C. 1857).

(b) CRIMINAL OFFENSES.—

(1) OFFENSES.—A person is guilty of an offense if the person commits an act prohibited by subparagraph (D), (E), (F), (H), (I), or (L) of section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) in an area designated as a Coral Habitat Conservation Zone.

(2) PUNISHMENT.—An offense referred to in paragraph (1) is punishable by the punishments set out in section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

(c) CIVIL FORFEITURES.—Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of a violation of the prohibition set out in section 7(d) (other than such a violation for which the issuance of a citation is sufficient sanction) shall be subject to the civil forfeiture provisions set out in section 310 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1860).

(d) ENFORCEMENT.—The provisions of this Act shall be enforced by the officers responsible for the enforcement of the Magnuson-Stevens Fishery Conservation and Management Act as provided for in subsection (a) of section 311 of such Act (16 U.S.C. 1861). Such officers shall have the powers and authorities to enforce this Act as are provided in such section.

SEC. 15. INTERNATIONAL PROTECTIONS FOR DEEP SEA CORALS AND DEEP SEA SPONGES.

The President is authorized to permit the Secretary, in consultation with the Secretary of State, to work with appropriate international organizations and foreign nations to develop the data necessary to identify areas located in international waters that contain deep sea corals or deep sea sponges and to protect such deep sea corals or deep sea sponges.

SEC. 16. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not more than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall publish and submit to Congress a report on the activities undertaken to carry out the provisions of this Act.

(b) CONTENT.—Each report required by subsection (a) shall include—

(1) a description of the activities carried out to protect and define areas in which the use of bottom trawls has traditionally been permitted;

(2) a description of the activities carried out to protect and monitor deep sea corals or deep sea sponges;

(3) a description of any area designated either as a Bottom Trawl Zone or a Coral Habitat Conservation Zone;

(4) a summary of the research strategy created pursuant to section 5;

(5) a summary of any bycatch or other data that indicates the presence of a deep sea coral and sponge ecosystem in an area; and

(6) a summary of geologic structures that indicate the presence of deep sea coral and sponge ecosystems in an area, as determined by research activities described in section 5.

(c) PUBLICATION.—Notice of the availability of each report required by this section shall be published in the Federal Register.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $15,000,000 to carry out this Act.

By Mr. REID (for himself, Ms. LANDRIEU, Mr. OBAMA, Ms. MIKULSKI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN):

S. 1637. A bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of S. 1637, the Katrina Emergency Relief Act of 2005, be printed in the RECORD.

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

S. 1637

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 ''Katrina Emergency Relief Act of 2005''.

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

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

Sec. 101. Short title; purpose.
Sec. 102. Disaster relief period.
Sec. 103. Temporary Medicaid coverage for Katrina Survivors.
Sec. 104. Temporary disaster relief for States under Medicaid.
Sec. 105. Accommodation of special needs of Katrina Survivors under Medicare program.

TITLE II—EDUCATION

Subtitle A—Support for Elementary and Secondary Schools

Sec. 201. Support for elementary and secondary schools.

Subtitle B—Fund for Early Childhood Care and Education

Sec. 211. Fund for early childhood care and education.

Subtitle C—Support for Students in Higher Education

Sec. 221. Support for students in higher education.

TITLE III—EMERGENCY HOUSING ASSISTANCE

Sec. 301. Short title.
Sec. 302. Hurricane Katrina Emergency Assistance Vouchers.
Sec. 303. Report on inventory of availability of temporary housing.
Sec. 304. Appropriation of funding.

TITLE IV—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Moratorium on payments.

Subtitle B—Individual and Household Assistance

Sec. 411. Individual and household assistance.

Subtitle C—Unemployment Assistance

Sec. 421. Unemployment assistance.

Subtitle D—Tax Relief

Sec. 431. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
Sec. 432. Penalty free withdrawals from retirement plans for victims of Hurricane Katrina.

Subtitle E—Hurricane Katrina Food Assistance Relief

Sec. 441. Short title.
Sec. 442. Definition of Secretary.
Sec. 443. Food Stamp Program disaster authority.
Sec. 444. Emergency Food Assistance Program and Section 32 Assistance.
Sec. 445. WIC Funding.
Sec. 446. Report.
Sec. 447. Regulations.

Subtitle F—Bankruptcy Relief

Sec. 451. Bankruptcy Relief for Victims of Hurricane Katrina.

TITLE V—ADMINISTRATIVE MATTERS

Sec. 501. Period of availability of benefits.
Sec. 502. Nondiscrimination.

TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

SEC. 101. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Temporary Medicaid Disaster Relief Act of 2005''.

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. 102. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term ''disaster relief period'' means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 103 and paragraphs (1) and (2) of section 104(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to ''February 28, 2006'' in subsection (a) shall be considered to be a reference to ''September 30, 2006''.

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. 103. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term ''Katrina Survivor'' means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being ''from'' the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's ''residence'' shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term ''direct impact State'' means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 104(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 104. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage

for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 103 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 103(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE ''CLAWBACK'' AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF ''CLAWBACK''.—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term ''State that experiences a significant influx of Katrina Survivors'' means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D–1(b)(2) of the Social Security Act (42 U.S.C. 1395w–101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

TITLE II—EDUCATION

Subtitle A—Support for Elementary and Secondary Schools

SEC. 201. SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term ''eligible local educational agency'' means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 50 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to $2,500 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

Subtitle B—Fund for Early Childhood Care and Education

SEC. 211. FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term ''early childhood education program'' means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) AFFECTED LOCAL COMMUNITIES.—In this paragraph, the term ''affected local community'' means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 pre-school aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) APPLICATIONS.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement

of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) USE OF SUBGRANT FUNDS.—

(1) IN GENERAL.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) INCOME AND DOCUMENTATION WAIVER.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

Subtitle C—Support for Students in Higher Education

SEC. 221. SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) STUDENTS IN SCHOOL.—

(1) NO QUESTIONS ASKED POLICY.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) CAMPUS-BASED AID.—

(A) SEOG.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term ''eligible borrower'' means an individual who has lost the individual's job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) ELIGIBLE LOAN.—In this subsection, the term ''eligible loan'' means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) GRACE PERIOD.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 6 month period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) PERIOD NOT TO COUNT AGAINST ECONOMIC HARDSHIP PERIODS PROVIDED IN HIGHER EDUCATION ACT OF 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 6-month grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

TITLE III—EMERGENCY HOUSING ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Helping to House the Victims of Hurricane Katrina Act of 2005''.

SEC. 302. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

''(A) IN GENERAL.—Subject to section 501 of the Katrina Emergency Relief Act of 2005, during the 6-month period beginning on the date of enactment of the Katrina Emergency Relief Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Katrina Emergency Relief Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

''(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

''(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

''(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

''(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

''(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

''(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

''(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

''(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

''(vi) subsection (r)(1)(B), relating to restrictions on portability.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

''(i) shall be made available by the Secretary to individuals to cover the cost of —

''(I) rent;

''(II) security and utility deposits;

''(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(IV) such additional expenses as the Secretary determines necessary; and

''(ii) shall be used by the Secretary—

''(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

''(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

''(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

''(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

''(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

''(i) the additional cost of rent and utilities;

''(ii) security and utility deposits;

''(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(iv) such additional expenses as the Secretary determines necessary.

''(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

''(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

''(A) directly administer any voucher program described in paragraphs (1) through (20); and

''(B) perform the functions assigned to a public housing agency by this subsection.''.

SEC. 303. REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.

Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

SEC. 304. APPROPRIATION OF FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this title.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE IV—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Emergency Limitation on Payments (HELP) Act of 2005''.

SEC. 402. DEFINITIONS.

In this subtitle:

(1) DISASTER.—The term ''Disaster'' means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) INJURED PERSON.—The term ''injured person'' means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 403. MORATORIUM ON PAYMENTS.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) APPLICABILITY TO LOANS.—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) PERIOD OF EFFECTIVENESS.—The moratorium under subsection (a) shall apply in accordance with section 501 to the failure of an injured person to make timely payments.

(d) ELIGIBILITY.—If a Federal agency responsible for administering a benefit program referred to in section 402(b) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) FEDERAL RESPONSIBILITY.—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) EFFECT OF OTHER LAW.—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 411. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) MAXIMUM AMOUNTS.—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) MORTGAGE AND RENTAL ASSISTANCE.—

(1) IN GENERAL.—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) ELIGIBLE PERSONS.—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) TYPES OF HOUSING ASSISTANCE.—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 421. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 410. UNEMPLOYMENT ASSISTANCE.

''(a) PROVISION OF UNEMPLOYMENT ASSISTANCE.—

''(1) ASSISTANCE.—

''(A) IN GENERAL.—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

''(B) LOCATION OF EMPLOYMENT.—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

''(C) REASON FOR UNEMPLOYMENT.—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

''(D) ELIGIBILITY.—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

''(2) AVAILABILITY.—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

''(3) MAXIMUM AND MINIMUM WEEKLY AMOUNTS.—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

''(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

''(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

''(4) PERIOD FOR APPLICATION.—The President shall accept applications for assistance under this subsection for—

''(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

''(B) such longer period as may be established by the President.

''(5) COOPERATION WITH STATES.—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.''.

Subtitle D—Tax Relief

SEC. 431. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code.

SEC. 432. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAID.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

''(x) REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

''(2) REPAYMENT REQUIREMENT.—

''(A) ADDITION TO TAX.—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

''(B) DETERMINATION OF AMOUNT.—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

''(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

''(ii) the qualified distribution.

''(C) REPAYMENT PERIOD.—For purposes of this subsection, the term 'repayment period' means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

''(D) TAX BENEFIT AMOUNT.—For purposes of this subsection, the term 'tax benefit amount' means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

''(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term 'qualified distribution' means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

''(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

''(B) to the extent such distribution does not exceed the excess of—

''(i) the amount of expenses incurred as a result of such disaster, over

''(ii) the amount of such expenses which are compensated for by insurance or otherwise.

''(4) RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.—

''(A) IN GENERAL.—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

''(B) METHOD OF MAKING RECONTRIBUTION.—Any required recontribution—

''(i) shall be made during the repayment period for the qualified distribution,

''(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

''(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made.

An individual making a required recontribution under this paragraph shall designate (in the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

''(C) TREATMENT OF CONTRIBUTION.—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

''(5) OTHER SPECIAL RULES.—

''(A) BASIS RULES NOT AFFECTED.—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

''(B) AGGREGATION RULE.—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle E—Hurricane Katrina Food Assistance Relief

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''Hurricane Katrina Food Assistance Relief Act of 2005''.

SEC. 442. DEFINITION OF SECRETARY.

In this subtitle, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 443. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

''(4) RESPONSE TO HURRICANE KATRINA.—

''(A) DEFINITIONS.—In this paragraph:

''(i) AFFECTED AREA.—

''(I) IN GENERAL.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

''(II) INCLUSION.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

''(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

''(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) AFFECTED HOUSEHOLD.—

''(I) IN GENERAL.—The term 'affected household' means a household—

''(aa) in an affected area;

''(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

''(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

''(II) INCLUSION.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

''(iii) DISASTER RECOVERY PERIOD.—

''(I) IN GENERAL.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

''(II) EXTENSION.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

''(B) DISASTER RECOVERY PERIOD.—During the disaster recovery period—

''(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

''(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

''(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

''(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of $323 in lieu of the deduction provided under subsection (e)(1);

''(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

''(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

''(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

''(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

''(C) DUPLICATE PARTICIPATION.—

''(i) IN GENERAL.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

''(ii) NO ACTION TAKEN.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

''(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

''(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

''(F) SAVINGS CLAUSE.—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.''.

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than $5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of 1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) EXPEDITING PROVISIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 444. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than $200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) SECTION 32 FUNDING.—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than $200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 445. WIC FUNDING.

(a) IN GENERAL.—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated $200,000,000, to remain available until September 30, 2007.

(b) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) ALLOCATION OF FUNDS.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 446. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section __03(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 447. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Bankruptcy Relief

SEC. 451. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) ELIGIBILITY.—A case described in this subsection is a case commenced during the 180-day period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), or during an extension of a period for the availability of benefits or assistance in accordance with section 501(b), by or on behalf of a debtor who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina.

TITLE V—ADMINISTRATIVE MATTERS

SEC. 501. PERIOD OF AVAILABILITY OF BENEFITS.

(a) IN GENERAL.—Except as otherwise provided by this Act or an amendment made by this Act, a benefit or assistance provided by any provision of this Act or an amendment made by this Act shall be available through the date that is 180 days after the date of enactment of this Act.

(b) AUTOMATIC EXTENSION.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this Act or an amendment made by this Act), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) REPORT.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 502. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

By Mr. OBAMA:

S. 1638. A bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, earlier this week I traveled with former Presidents Bush and Clinton to Houston and met countless hurricane survivors who shared heart-wrenching stories about their experiences. Too many of the hurricane survivors have lost their jobs, their homes, and for some, beloved friends and family members.

Hurricane Katrina served as another important reminder of man's inability

to control the wrath of Mother Nature. Yet, our response to such calamitous events is completely within our control. Hurricane Katrina was the first disaster, the Nation's emergency response to Hurricane Katrina was the second disaster.

We have all watched TV reports of residents stranded, abandoned really, without food or water and medical care, while those charged with emergency response delayed and fumbled their duties. Many of the sick and elderly were left behind at the makeshift hospital inside the New Orleans airport, and others faced uncertainties regarding their own medical care while staying at temporary shelters in Houston.

The Nation's generous outpouring of support for the survivors of Hurricane Katrina is heart-warming. Yet, many of those who would volunteer their services have been thwarted by bureaucratic red tape from antiquated laws and regulations. My own office has received numerous complaints from constituents whose offers of service were refused. In particular, medical professionals, which are still so desperately needed in affected areas, were turned away from FEMA and not informed about alternative mechanisms for volunteering. These doctors also expressed concerns relating to licensure, liability, and their ability to take leaves of absence from their jobs.

The Federal Government should be doing everything possible to streamline the process by which trained medical personnel around the country can volunteer their services in Louisiana, Mississippi, Alabama, and any of the States where evacuees have been relocated. I have introduced legislation today, entitled the Hurricane Katrina Emergency Health Workforce Act of 2005, that will start this process.

There are five components to this bill. It would create a national emergency health professional volunteer corps, so that we will have a ready pool of volunteer doctors and nurses who are willing, trained, and certified to serve in times of disaster. My bill would provide liability protections to qualified health professionals and provide the same job protections that many Federal employees and members of the National Guard already have. Requirements for State licensure would be lifted for licensed doctors who travel to disaster stricken areas outside of their home States. In addition, the CDC would establish a national and easily accessible database with the names and contact information of doctors and nurses, as well as their specialties and licensures, around the Nation. Finally, recognizing that emergencies are often unpredictable, this legislation would grant the Secretary broad authority to suspend rules and regulations in order to get health professionals where they are needed and when they are needed.

Although we live in a changing and uncertain world, one constant remains—whether it be earthquakes, hurricanes, tornadoes, or sadly even terrorist attacks, the nation will surely face future devastating and cataclysmic events. We know now that the Nation's preparedness for such events in no way matches our ability to respond and mitigate human suffering and economic collapse. We must do better. I urge each of my colleagues to join me in passing this legislation.

By Mr. NELSON of Florida:

S. 1640. A bill to prohibit price gouging relating to certain goods and services in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the ''Protection from Price Gouging Against Disaster Victims Act of 2005'' and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1640

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protection From Price Gouging Against Disaster Victims Act of 2005''.

SEC. 2. FINDINGS AND GOALS.

(a) FINDINGS.—Congress finds that—

(1) the United States experiences tremendous generosity and goodwill in the wake of natural disasters;

(2) unfortunately, some unscrupulous individuals take advantage of those disasters in an attempt to gain financially;

(3) the Federal Trade Commission is charged with preventing unfair methods of competition and unfair and deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(4) the Federal Trade Commission has extensive experience analyzing markets and competitive issues in order to determine whether market participants are engaging in actions that may have anticompetitive effects; and

(5) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives are charged by their respective Houses with consumer protection.

(b) GOALS.—The goals of this Act are—

(1) to decrease the occurrence of persons charging unconscionably excessive prices for consumer goods and services following natural disasters;

(2) to require the Federal Trade Commission to conduct ongoing investigations of actions intended to disadvantage consumers following natural disasters; and

(3) to ensure that sufficient enforcement authority is available to the Commission to carry out the responsibilities of the Commission under this Act and the amendments made by this Act.

SEC. 3. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating sections 25 and 26 as sections 26 and 27, respectively; and

(2) by inserting after section 24 the following:

''SEC. 25. PROTECTION FROM PRICE GOUGING FOLLOWING MAJOR DISASTERS.

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED AREA.—The term 'affected area' means an area affected by a major disaster declared by the President under Federal law in existence on the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005.

''(2) CONSUMER GOOD OR SERVICE.—

''(A) IN GENERAL.—The term 'consumer good or service' means a good, piece of equipment, or service provided primarily for personal, family, or household purposes, including food, water, ice, a chemical, a building supply, a tool, a petroleum product, a residential construction, reconstruction, or repair service, or a service for the removal of debris (including a damaged tree) or garbage.

''(B) INCLUSION.—The term 'consumer good or service' includes a property or a facility rented to a consumer for use as a residence or storage facility.

''(3) PRICE GOUGING.—The term 'price gouging' means the charging of an unconscionably excessive price by a supplier in an affected area.

''(4) SUPPLIER.—The term 'supplier' includes a seller, reseller, wholesaler, distributor, retailer, lessor, provider, or licensed or unlicensed contractor, subcontractor, or laborer engaged in the provision or distribution of a consumer good or service.

''(5) UNCONSCIONABLY EXCESSIVE PRICE.—The term 'unconscionably excessive price' means a price charged in an affected area for a consumer good or service that—

''(A) represents a gross disparity, as determined by the Commission in accordance with subsection (e), between the price charged for the good or service and the average price of the good or service charged by suppliers in the affected area during the 30-day period immediately before the President declares the existence of a major disaster; and

''(B) is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the provision of the consumer good or service.

''(b) DETERMINATION OF THE COMMISSION.—Following the declaration of a major disaster by the President, the Commission shall—

''(1) consult with the Attorney General of the United States, the United States Attorney for the district in which the disaster occurred, and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for any consumer good or service provided in the affected area; and

''(2) establish within the Commission—

''(A) a toll-free hotline that a consumer may call to report an incidence of price gouging in the affected area; and

''(B) a program to develop and distribute to the public informational materials in English and Spanish to assist residents of the affected area in detecting and avoiding price gouging.

''(c) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

''(1) OFFENSE.—During the 180-day period after the date on which a major disaster is declared by the President, no supplier shall provide, or offer to provide, any consumer good or service in an affected area at an unconscionably excessive price.

''(2) ACTION BY COMMISSION.—

''(A) IN GENERAL.—During the period described in paragraph (1), the Commission shall conduct investigations to determine whether any supplier in an affected area is in violation of paragraph (1).

''(B) POSITIVE DETERMINATION.—If the Commission determines under subparagraph (A) that a supplier is in violation of paragraph

(1), the Commission shall take any action the Commission determines to be appropriate to remedy the violation.

''(3) CIVIL PENALTIES.—A supplier that commits an offense described in paragraph (1) may, in a civil action brought in a court of competent jurisdiction, be subject to—

''(A) a civil penalty not more than $500,000;

''(B) an order to pay special and punitive damages;

''(C) an order to pay reasonable attorney's fees;

''(D) an order to pay costs of litigation relating to the offense;

''(E) an order for disgorgement of profits earned as a result of a violation of paragraph (1); and

''(F) any other relief determined by the court to be appropriate.

''(4) CRIMINAL PENALTY.—A supplier that knowingly commits an offense described in paragraph (1) shall be imprisoned not more than 1 year.

''(5) ACTION BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring a civil action against a supplier in any court of competent jurisdiction for disgorgement, special or punitive damages, injunctive relief, reasonable attorney's fees, costs of the litigation, and any other appropriate legal or equitable relief.

''(6) ACTION BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in any court of competent jurisdiction for disgorgement, special or punitive damages, reasonable attorney's fees, costs of litigation, and any other appropriate legal or equitable relief.

''(7) NO PREEMPTION.—Nothing in this section preempts any State law.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, and annually thereafter, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

''(1) the number of price gouging complaints received by the Commission for each major disaster declared by the President during the preceding year;

''(2) the number of price gouging investigations of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

''(3) the number of enforcement actions of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

''(4) an evaluation of the effectiveness of the toll-free hotline and program established under subsection (b)(2); and

''(5) recommendations for any additional action with respect to the implementation or effectiveness of this section.

''(e) DEFINITION OF GROSS DISPARITY.—Not later than 180 days after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, the Commission shall promulgate regulations to define the term 'gross disparity' for purposes of this section.''.

SEC. 4. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act, affects any authority of the Federal Trade Commission in existence on the date of enactment of this Act with respect to price gouging actions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1641. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damage attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for the City of Saco, ME that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or deauthorization of the Federal Navigational Project to resolve the issue.

The U.S. Army Corps of Engineers has suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language, which I hope will be included in the Water Resources Development Act in this Congress, will allow for the legal moorage of boats, the fairway for which would be maintained by the City of Saco as is customary for towns with Federal anchorages. It is my understanding that the two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

By Mr. CORNYN:

S 1642. A bill to prohibit narco-terrorists from aiding and supporting terrorists and terrorist organizations; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the Narco-Terrorism Prevention Act of 2005. This bill confronts the new reality and very real danger of the deadly mix of drug trafficking and terrorism.

Many of the State Department's designated Foreign Terrorist Organizations are involved in the trafficking of illegal drugs—that is, illegal drugs that end up on the streets of cities throughout our country and other countries and poison the fabric of our society, our children, our families, and our neighbors. Terrorists, like the old organized crime syndicates from the past, have recognized that illegal drug trafficking is a valuable source of financing and another way to threaten our country.

The evidence linking these two criminal activities is overwhelming: terrorists in Afghanistan have been infiltrating and controlling the cultivation of poppies, and ultimately heroin; media reports indicate that the deadly Spain bombings were financed by drug money; the Hezbollah has been linked to drug trafficking; and of course, the Revolutionary Armed Forces of Colombia, or the FARC, has long-standing drug trafficking operations which fund their deadly activities.

Narco-terrorism takes many forms, all of which are deadly. Before September 11, the term called to mind Pablo Escobar, the classic cocaine trafficker who used terrorist tactics against citizens and officials to protect his drug trade. Post 9/11, governments now find themselves combating classic terrorist groups that participate in, or otherwise receive funds from, drug trafficking in order to further their agenda. But whether narco-terrorists are actual drug traffickers who use terrorism against civilians to advance their agenda, or are principally terrorists who out of convenience or necessity use drug money to further their cause, the label of narco-terrorist may be equally applicable to both groups, and the full force of U.S. law should be brought to bear on these organizations.

My State is experiencing the collateral effects of a drug war being carried out by modern day narco-terrorists in Nuevo Laredo, Mexico. News reports have described an ongoing battle between rival drug cartels over drug smuggling routes from Mexico into the United States. These organizations assassinate police officers and other government officials in a clear attempt to force the local government in Nuevo Laredo to allow these organizations to carry on their illegal activity, unimpeded. Our government needs every available tool at its disposal to combat this activity.

The legislation I introduce today creates a new Federal crime designed to punish the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any one else planning a terrorist attack. It also carries a stiff, mandatory-minimum penalty of 20 years for anyone convicted. Importantly, the Narco-Terrorism Prevention Act provides for extraterritorial jurisdiction which allows law enforcement to reach beyond our borders to arrest and deter those who intend to carry out a crime of this nature.

This bill says that whether you are a member of or assisting a drug cartel along the border that employs terrorist tactics to protect its drug trade, or you are assisting international terrorists with the proceeds from drug transactions, this bill targets you. This bill puts you on notice that our government has the authority to arrest you and, when apprehended, you will face a lengthy, and perhaps permanent, stay in prison.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1643. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

HURRICANE KATRINA FOOD

Mr. HARKIN. Mr. President, for milions of people in the Gulf Coast, Hurricane Katrina has shredded the very fabric of everyday life. As my colleagues from Louisiana, Mississippi, and Alabama have already described, the needs are immeasurable. For many people, it will be years before their lives return to normal. And untold others have paid with their lives. We hold the citizens of Louisiana, Mississippi, and Alabama in our thoughts and in our prayers.

This storm calls on each of us to respond in the best way that we can. And people around the United States are opening their homes and their hearts to the victims of Hurricane Katrina.

Among the most immediate and pressing needs of many who have been hit by hurricane Katrina is a fundamental one—food. Displaced individuals with no ready source of income must, among all of their daily worries, still struggle with the basic task of feeding their families. This situation is exacerbated by the simple fact that retail food outlets have ceased to operate throughout the Gulf Coast. The Department of Agriculture has estimated that food stamp program caseloads alone are likely to increase by 1.4 million people because of Katrina. Furthermore, the Department says that this is a ''very conservative'' estimate and that the real need may be considerably greater than this.

In Louisiana alone, over 400,000 people are already receiving food stamps through the Emergency Food Stamp Program. In Texas, over 100,000 people have received emergency food stamps. These numbers are rising rapidly with every passing day and are certain to continue to do so.

No American should live in the shadow of hunger and food insecurity, least of all those displaced and devastated by natural disasters. Fortunately, the Federal Government has long provided food assistance to help individuals and families in need. The Department of Agriculture is already working hard to get commodities and emergency food stamps to the victims of Hurricane Katrina. And while there has been much criticism of the disaster efforts generally, I have yet to hear of complaints about the response from the Department of Agriculture. Even so, we can and must do more.

That is why today, with my colleague Senator LEAHY, I am introducing the Hurricane Katrina Food Assistance Relief Act of 2005. I am hopeful that my colleagues will join us in working to pass this legislation expeditiously to enhance our Federal response to the needs of hungry Americans devastated by Hurricane Katrina.

This proposal would provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. The legislation builds upon the capacities of several Federal programs to assist our citizens in need. The legislation targets three groups of households: Those living in areas hit by Katrina, those who have lost jobs in the disaster areas, and those who have relocated from the disaster area to other parts of the country.

This bill provides additional funds to allow for unanticipated caseload increases in the Special Supplemental Nutrition Program for Women, Infants, and Children.

It also gives the Department of Agriculture additional funds to purchase bulk commodities and to provide emergency food through food banks and local food pantries.

The legislation especially strengthens the ability of the Food Stamp Program to respond to this tremendous disaster by increasing benefit amounts, expanding eligibility, and streamlining the application process and the delivery of benefits. It also provides additional Federal funds to State food stamp agencies that are likely to be overwhelmed by the workload associated with helping all those who seek aid.

I ask that my colleagues on both sides of the aisle join with Senator LEAHY and me in continuing to shape an appropriate response to the food needs of the victims of Hurricane Katrina. The legislation that we are introducing today is a good faith effort and is, I believe, a generous and appropriate starting point. But I have no doubt that it may be improved. I welcome the advice and suggestions of my colleagues on both sides of the aisle and look forward to doing all that we can with all necessary haste to bring relief to the victims of Hurricane Katrina.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1643

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hurricane Katrina Food Assistance Relief Act of 2005''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

''(4) RESPONSE TO HURRICANE KATRINA.—

''(A) DEFINITIONS.—In this paragraph:

''(i) AFFECTED AREA.—

''(I) IN GENERAL.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

''(II) INCLUSION.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

''(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

''(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) AFFECTED HOUSEHOLD.—

''(I) IN GENERAL.—The term 'affected household' means a household—

''(aa) in an affected area;

''(bb) in which a member worked immediately prior to August 29, 2005, in an affected area;

''(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State; or

''(dd) that the Secretary determines should receive relief under this paragraph as a result of Hurricane Katrina or a related condition.

''(II) INCLUSION.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

''(iii) DISASTER RECOVERY PERIOD.—

''(I) IN GENERAL.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

''(II) EXTENSION.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

''(B) DISASTER RECOVERY PERIOD.—During the disaster recovery period—

''(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

''(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

''(iii) the State agency shall increase the value to the affected household of the thrifty food plan determined under section 3(o) by 10 percent when calculating the value of the allotment for an affected household under section 8(a);

''(iv) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

''(v) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

''(vi) any resource to which the household lost access because of Hurricane Katrina or a related condition shall not be considered a financial resource under subsection (g);

''(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

''(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

''(C) DUPLICATE PARTICIPATION.—

''(i) IN GENERAL.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

''(ii) NO ACTION TAKEN.—Except in the case of deliberate falsehoods, no action may be

taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

''(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

''(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

''(F) EFFECT OF MORE GENEROUS DISASTER PLANS.—This paragraph shall not supersede any provision of a plan approved under paragraph (1) that—

''(i) provides more complete or expeditious relief to affected households; or

''(ii) provides assistance to more individuals.''.

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than $5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to support household and community efforts to address the food assistance and related needs resulting from Hurricane Katrina or a related condition.

(2) EXPEDITING PROVISIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 4. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—In addition to funds otherwise made available for fiscal year 2005 or 2006 to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture $200,000,000 to remain available until expended to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(c) SECTION 32 FUNDING.—In addition to funds otherwise made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not less than $200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 5. WIC FUNDING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, in addition to other funds otherwise made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out that program $200,000,000, to remain available until September 30, 2007.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(d) ALLOCATION OF FUNDS.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 6. COMMODITY SUPPLEMENTAL FOOD PROGRAM FUNDING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, in addition to other funds otherwise made available to the Secretary for fiscal year 2005 or 2006 to carry out the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86), the Secretary of the Treasury shall transfer to the Secretary of Agriculture $20,000,000 to carry out that program.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(d) ALLOCATION OF FUNDS.—The Secretary shall use funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to individuals who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 7. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 3(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mrs. BOXER:

S. 1644. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, we have all watched in horror as the Gulf Coast has been struck by what could be the worst natural disaster in U.S. history, leaving unimaginable suffering in its wake. It is difficult to put into words how heartbroken we are for the Americans affected by Hurricane Katrina.

Brave souls everywhere are still searching for some family members, while trying to keep others alive and hopeful. We have seen the inspiring courage of the survivors and dedicated men and women working around the clock to help them.

Thousands of people have lost their lives. Far more have lost life as they know it—their families, their homes, their communities, and their jobs.

There has already been an increase in people filing for unemployment benefits due to Hurricane Katrina. And, the jobs that have been lost will be gone for a long time.

To help people who have lost their jobs because of this crisis, I am introducing the ''Hurricane Katrina Reconstruction and Displaced Worker Assistance Act of 2005.''

This legislation would give priority in awarding Federal contracts for the rebuilding efforts to those companies where workers displaced by Hurricane Katrina comprise at least 25 percent of the workforce fulfilling the contract. This will help provide jobs to those who have been severely affected by the hurricane.

We must show those who have suffered so much that their government will help them rebuild their lives. I urge my colleagues to support the bill.

By Mrs. BOXER:

S. 1645. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I am reintroducing a bill to provide help to State and local first responders in purchasing interoperable communications systems—so that everyone can talk to one another during an emergency.

This need has been glaringly apparent for over a decade now, but especially since the 2001 terrorist attacks. It was all the more evident in the aftermath of Hurricane Katrina.

The 9/11 Commission described the inability to communicate as ''a critical element'' at the World Trade Center and at the crash sites, where multiple agencies and multiple jurisdictions responded in September 2001. And yet four years after that attack, our first responders still cannot talk to each other.

Let me mention just one example from the areas affected by Hurricane Katrina.

National Guard members have compared communications capabilities in New Orleans unfavorably with those in Iraq. Ground commanders for New Orleans have been functioning without the ability to track the location of some units reporting to them. This is unacceptable.

Almost every community I visit in California—from big to small—mentions the need for interoperable communications for first responders and the need for assistance from the federal government. California suffered from a lack of interoperable communications in the fall of 2003, when communities could not communicate with each other to convey what was happening with fires that were sweeping through the State, greatly complicating the response.

We need to provide funding so that State and local first responders can purchase the technology that makes interoperability possible. We need to do our job at the national level and provide our first responders with the resources to protect our communities in the case of a terrorist attack, natural disaster, or other emergency.

I have tried to get funds for interoperable communication systems as part of the Intelligence Bill, the Rail Security Bill, and the Homeland Security Appropriations Bill. The time to act is past. We need to get this done before the next disaster strikes, which is why I am reintroducing this bill.

My bill would authorize $300 million for each of the next 5 years to help State and local agencies improve existing communications systems or purchase new systems. This funding would help local agencies purchase equipment for real-time interoperable communication between first responders.

Guaranteeing that first responders will have the communications equipment necessary to respond to a future attack is exactly the kind of preemptive action we should have taken after 9/11 and should be taking now.

A report on the needs of first responders by Warren Rudman and Richard Clarke found that fixing this problem would cost $6.8 billion. My bill does not fund this all, but we need to do something.

This bill is an important step in fulfilling our federal responsibility to protect our citizens during emergencies. I urge my colleagues to support it.

By Mr. AKAKA (for himself, Mr. REID, and Mrs. MURRAY):

S. 1646. A bill to provide for the care of veterans affected by Hurricane Katrina; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that would provide continuous care to those veterans that have been affected by Hurricane Katrina, one of the worst natural disasters that our country has ever experienced. The Department of Veterans Affairs, VA has played an integral role in the disaster relief efforts of Hurricane Katrina, beginning with the successful evacuation of patients, staff and family members, and now in the recovery stage of the aftermath.

Earlier today, I attended a briefing given by VA Secretary Nicholson and other VA officials on VA's response to the hurricane. VA truly stepped up in the midst of this crisis, and successfully evacuated all of their patients and staff without any loss of life. I commend VA for their coordination and execution of their relief effort. The Department should serve as a model for other government agencies in dealing with disasters.

There is one area, however, where I believe even more can be done to help veterans in Louisiana and Mississippi who have been affected by this tragedy. The legislation I'm introducing will extend a humanitarian hand to those middle-income veterans in the region who do not have access to VA health care because of a decision made by this administration in 2003. The bill extends hospital care and medical services to the Priority 8 veterans affected by Hurricane Katrina, who have previously been denied access to the system.

Veterans residing in areas of New Orleans, LA; Biloxi, MS, or Gulfport, MS, during the hurricane—who have most likely lost everything in this disaster—will be able to find solace in knowing that VA will continue to be there for them even after the media attention fades. It would simply be wrong to exclude these men and women who have served our country from VA services, especially now in their time of need. This bill also serves to relieve some of the financial burden placed on the veterans by waiving copayments for care and medications.

VA's mission is to take care of veterans and also to provide support to other Federal agencies during times of disaster. VA has upheld that mission by establishing a legacy of first rate health care for veterans and now through the response efforts to Hurricane Katrina. We can do more for these veterans by allowing VA to serve as a beacon of hope in their time of recovery.

I would like to thank the countless VA volunteers that have answered the call of duty to our Nation, just as our veterans once did. These volunteers have left their duty stations to support efforts at the surrounding VA hospitals that have taken on the evacuated patients, as well as manning the mobile clinics currently touring the affected areas to provide care. These men and women are true heroes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1646

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

SECTION 1. HEALTH CARE AND SERVICES FOR VETERANS AFFECTED BY HURRICANE KATRINA.

(a) REQUIREMENT FOR HOSPITAL CARE AND MEDICAL SERVICES FOR PRIORITY 8 VETERANS AFFECTED BY HURRICANE KATRINA.—

(1) REQUIREMENT.—The Secretary of Veterans Affairs shall furnish hospital care and medical services which the Secretary determines to be needed to each priority 8 veteran affected by Hurricane Katrina as if such veteran were a veteran described by section 1710(a)(2) of title 38, United States Code.

(2) ENHANCED ENROLLMENT PRIORITY.—For purposes of furnishing hospital care and medical services under paragraph (1), the Secretary shall deem each priority 8 veteran affected by Hurricane Katrina, upon the date of presentation of such veteran to the Department of Veterans Affairs for such care and services, to have enrolled in the system of annual patient enrollment of the Department under section 1705(a) of title 38, United States Code, on the first day of the current year of such system in which such date falls.

(b) PROHIBITION ON COLLECTION OF COPAYMENTS FOR VETERANS AFFECTED BY HURRICANE KATRINA.—In furnishing hospital care and medical services to any veteran affected by Hurricane Katrina, the Secretary shall not collect from or with respect to such veteran any payment for such care and services otherwise required under any provision of law, including any copayment for medications otherwise required under section 1722A of title 38, United States Code.

(c) DEFINITIONS.—In this section:

(1) The term ''veteran affected by Hurricane Katrina'' means any veteran who, as of August 29, 2005, resided in the catchment region of the Department of Veterans Affairs medical center in New Orleans, Louisiana, Biloxi, Mississippi, or Gulfport, Mississippi.

(2) The term ''priority 8 veteran affected by Hurricane Katrina'' means any veteran affected by Hurricane Katrina who, as of August 29, 2005, would have been treated as a veteran covered by paragraph (8) of section 1705(a) of title 38, United States Code, for

purposes of enrollment in the system of annual patient enrollment of the Department of Veterans Affairs under such section.

By Mr. FEINGOLD (for himself, Ms. LANDRIEU, Mr. LEAHY, Mr. DURBIN, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Ms. CANTWELL, Mr. AKAKA, Mr. OBAMA, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. SALAZAR, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1647. A bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, in the wake of Hurricane Katrina, the Senate is faced with a daunting but absolutely crucial task. How can Congress best respond to the horrific damage caused by this disaster? I want to express my full support to the people from all of the affected regions in Louisiana, Mississippi, and Alabama and their congressional delegations. In this time of desperate need, we all must pull together and do everything we can to help.

We can see the devastating effects of the hurricane and flooding on our television screens every night. It will take years to rebuild the affected areas. In the meantime, the residents and small businesses in those areas have suffered catastrophic losses. Some will undoubtedly, through no fault of their own, have to file for bankruptcy sometime in the future. The bankruptcy system is an important safety net for people who suffer this kind of devastation. In this country, we do not sentence people who have been through a disaster of this type to a lifetime of financial servitude. Bankruptcy lets them get a fresh start. And a fresh start is what so many of the relief efforts going on are all about.

As my colleagues are aware, Congress earlier this year enacted major changes to the Bankruptcy Code. The Bankruptcy Abuse Prevention and Consumer Protection Act (''BAPCPA'') was the first major overhaul of the bankruptcy system in more than 25 years. Most provisions of the new law will become effective on October 17, 2005, six months after enactment. Any bankruptcy case filed before that date is still subject to current law.

We do not yet know how many families affected by this disaster will end up filing for bankruptcy. A study just released a few days ago by Professor Bob Lawless, a law professor at the University of Nevada, indicates that bankruptcy filings increase significantly in areas where natural disasters occur. Professor Lawless looked at 18 hurricanes and tropical storms since 1980 and the rate of bankruptcy filings in the States where the storms made landfall compared to the surrounding States and the rest of the country. He looked at the effects in the first, second and third year after the event.

According to this study, bankruptcy filings climbed in landfall States at more than 1½ times the pace of unaffected States and remained stuck at that rate even three years later. Given the enormous impact of this storm, we can expect a similar if not greater, increase in filings. And this new influx of filings will occur just as the new law is going into effect. Katrina victims will in essence be guinea pigs, testing the new provisions with the most desperate of circumstances.

The new bankruptcy law makes it significantly more difficult and complicated to file for bankruptcy. No one disputes that. It was intended to weed out abusers of the system. It contains new documentation requirements and the so-called ''means test'' which is a fairly rigid formula designed to identify debtors who really can continue to pay their debts and shouldn't get a discharge.

Everyone in the Senate knows that I strongly opposed the BAPCPA and tried very hard to amend it to make it less onerous for good faith debtors. But my goal now is not to try to undermine or reopen the new law, but simply to make sure that it doesn't compound the hardship faced by victims of Hurricane Katrina and other natural disasters. That is what the bill I will introduce today, the Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, aims to do.

This bill first deals directly with the fact that the new law is scheduled to take effect only a month and a half from now, when the victims of Katrina will still be in the initial stages of putting their lives back together. I believe the best way to handle this extraordinary situation is to give Katrina victims a grace period during which the old bankruptcy law, which has essentially been in effect for 27 years, will still apply to their cases. The bill provides that cases filed within one year of the effective date of the new law by people who lived in the natural disaster area declared by the President will be handled under the law in effect on August 29, 2005, the date of the hurricane. This provision will mean that all the complicated work to apply and interpret the new law that will take place in the first year after it becomes effective will not affect the cases of the victims of Hurricane Katrina.

I understand that some may argue that the new law contains adequate safeguards and judicial discretion to deal with the concerns I have raised. But we can't know that for sure at this point. At the very least, there will be litigation and disagreement over how some provisions will be interpreted. Those issues will be settled by the courts all across the country, and that process will not be affected by this bill. But Katrina's victims should not be the test cases. Giving them a year to proceed under the old law seems entirely reasonable.

Providing this added grace period also addresses the fact that some of the hurricane victims might have filed their petitions before October 17 were it not for the hurricane. These people have been deprived of that right, which Congress provided in the new law itself, by a natural disaster. Given all they are now going through, we should give them adequate time to take care of their most immediate needs before closing the door on their ability to file for bankruptcy under the old law. A one year grace period should be sufficient, and seems fair.

Professor Lawless's study indicates that the financial effects of a disaster like Katrina last for more than a year. And of course, there will be future disasters, perhaps some as grave as this one. I believe we need to take a close look at the new bankruptcy law and make sure that disaster victims are treated fairly. There is simply no justification for applying provisions designed to stop abuse of the system to people who have been through this kind of disaster. Therefore, the bill makes a number of other amendments to the new law that will apply not only to Katrina victims who file for bankruptcy after the one year grace period is over but to victims of other natural disasters. Let me describe some of those provisions.

First, the bill builds on an exemption to the means test that applies to disabled veterans and simply adds victims of natural disasters to that exemption. No person driven to bankruptcy by a natural disaster should have a case dismissed or converted to a Chapter 13 filing under the means test.

The bill also exempts from the definition of income any payments from FEMA, the Red Cross, or other disaster relief funds. Whatever money people receive to help them survive the aftermath of a disaster should not be included in the calculation of how much they have available to satisfy their creditors. Generous citizens around the country are making contributions to make sure disaster victims are fed and clothed and their homes rebuilt, not to give more money to the credit card companies.

The bill contains a provision to make clear that expenses incurred as a result of a disaster are considered reasonable expenses for purposes of the means test. The rigid IRS standards obviously don't include money to replace things that were lost in a hurricane, or pay for a hotel stay while a home is rebuilt.

Another provision of the new law that seems unfair to apply to victims of natural disasters requires that debtors seek credit counseling before they file for bankruptcy. The new law already includes a provision to exempt debtors who are on active duty military service overseas or who are incompetent or disabled if that status makes them unable to complete the requirement. Victims of natural disasters deserve a similar exemption. If they can't complete credit counseling because they live in a shelter with no access to the Internet or because they have no records for the credit counselor to evaluate, they shouldn't be prevented from filing for bankruptcy.

One of the most tragic effects of a natural disaster is homelessness. Millions of homes were destroyed by Katrina. People who lived in these homes will be in temporary shelters for months, but may eventually find apartments to live in in a new location. If they end up having to file for bankruptcy, that filing puts in place an automatic stay of any legal proceedings against them, including eviction proceedings for nonpayment of rent. The automatic stay allows debtors to get their affairs in order and catch up on their rent payments, but the new law makes it much easier for landlords to have the stay lifted. The prospect of a natural disaster victim being put out on the street during a bankruptcy proceeding should be chilling to all Americans. This bill will simply require landlords of natural disaster victims to seek a lifting of the stay without the expedited procedures and special treatment that the new law provides.

Another provision of the bill gives some extra relief to natural disaster victims from the fairly rigid deadlines that are established for filing certain paperwork in connection with a bankruptcy filing. This is a very reasonable step that simply recognizes that obtaining or filing the necessary tax returns, identity documents, documentation of income and other items may be significantly more difficult, or even impossible for a period of time, for natural disaster victims than it is for other debtors.

Finally, the bill also provides relief for small businesses that are put in dire financial condition by a natural disaster. The new law includes some very tight and unmovable deadlines for small businesses seeking to reorganize under Chapter 11. If we want to help as many businesses hit by disasters to survive as possible, we need to give the courts flexibility to extend those deadlines.

I know that many people in this body worked very hard over a period of many years to pass the BAPCPA. As much as we disagreed about the merits of that bill, I respect their hard work. But I truly hope that my colleagues will not let pride of authorship or the fact that they supported that bill stand in the way of providing desperately needed help to the victims of Hurricane Katrina and other natural disasters. The changes in this bill are modest and will apply to a relatively small number of people. I suppose some may argue that they are not absolutely necessary, but I believe, at the least, that a very good argument can be made that they are. Shouldn't we err on the side of helping people whose lives have been ripped apart? Shouldn't we take every precaution to make sure that the horror of a natural disaster is not compounded by a bankruptcy law that is too rigid or too harsh? I believe that is the least we can do in these circumstances.

I hope my colleagues will join me in supporting these modest but important changes to the law. I ask that the text of the bill be printed in the RECORD.

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

S. 1647

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005''.

SEC. 2. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) ELIGIBILITY.—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

SEC. 3. DEFINITIONS; WHO MAY BE A DEBTOR.

(a) CURRENT MONTHLY INCOME.—Section 101(10A)(B) of title 11, United States Code, is amended—

(1) by striking ''and payments'' and inserting ''payments''; and

(2) by inserting before the period at the end '', and payments to victims of a natural disaster, on account of their status as victims of a natural disaster''.

(b) NATURAL DISASTER; NATURAL DISASTER ZONE.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (40A) and (40B) as paragraphs (40C) and (40D), respectively; and

(2) by inserting after paragraph (40) the following:

''(40A) The term 'natural disaster' means—

''(A) a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

''(B) a situation similar to such a major disaster (as so defined), with respect to which a determination is made in accordance with State law that such situation exists.

''(40B) The term 'natural disaster zone' means the geographical area included in the determination of a natural disaster.''.

(c) VICTIM OF NATURAL DISASTER.—Section 101 of title 11, United States Code, is amended by adding at the end the following:

''(56) The term 'victim of a natural disaster' means a person—

''(A) whose financial condition is materially adversely affected by a natural disaster; and

''(B) whose domicile, residence, or principal place of business in the United States, or whose principal assets in the United States, were located in a natural disaster zone immediately preceding the event that caused the natural disaster.''.

(d) WHO MAY BE A DEBTOR.—Section 109(h)(4) of title 11, United States Code, is amended by inserting ''natural disaster,'' after ''disability,''.

SEC. 4. AMENDMENTS TO CHAPTER 3.

Section 362(b)(22) of title 11, United States Code, is amended by inserting ''(excluding a debtor who is a victim of a natural disaster)'' after ''debtor'' the first place that term appears.

SEC. 5. AMENDMENTS TO CHAPTER 5.

Section 521 of title 11, United States Code, is amended by adding at the end the following:

''(k) The Court may extend any time period specified in this section as may be necessary if—

''(1) the debtor is a victim of a natural disaster; and

''(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.''.

SEC. 6. AMENDMENTS TO CHAPTER 7.

(a) DEBTOR'S MONTHLY EXPENSES.—Section 707(b)(2)(A)(ii) of title 11, United States Code, is amended by adding at the end the following:

''(IV) In addition, the debtor's monthly expenses may include the actual reasonably necessary expenses incurred as a result of being a victim of a natural disaster.''.

(b) LIMITATION ON CONVERSION OF CASE.—Section 707(b)(2) of title 11, United States Code, is amended by adding at the end the following:

''(E) Subparagraphs (A), (B), and (C) shall not apply, and the court may not dismiss or convert a case under this subsection, if the debtor is a victim of a natural disaster.''.

SEC. 7. AMENDMENTS TO CHAPTER 11.

(a) CONVERSION OF CASE.—Section 1112(b) of title 11, United States Code, is amended—

(1) in paragraph (2)(B)(i), by inserting '', including a natural disaster'' before the semicolon; and

(2) in paragraph (3), by inserting ''(including a natural disaster)'' after ''circumstances''.

(b) WHO MAY FILE A PLAN.—Section 1121(e)(3) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''(i)'' after ''(A)'';

(2) in subparagraph (C), by striking the period at the end and inserting ''; or'';

(3) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively; and

(4) by adding at the end the following:

''(B) the debtor is unable to meet the deadline because of a natural disaster.''.

(c) EXTENSION OF TIME FOR SMALL BUSINESSES.—Chapter 11 of title 11, United States Code, is amended—

(1) in the table of sections, by adding at the end the following:

''§1117 Extension of time for small businesses''; and

(2) in subchapter I, by adding at the end the following:

''§ 1117. Extension of time for small businesses

''Notwithstanding any other provision of this title, in a small business case, the court may extend any deadline specified in this chapter if the court finds that such extension is—

''(1) necessary to protect the best interests of the creditors and the estate; or

''(2) warranted by a natural disaster.''.

SEC. 8. AMENDMENTS TO CHAPTER 13.

(a) CONVERSION OR DISMISSAL.—Section 1307(e) of title 11, United States Code, is amended by adding at the end the following: ''The Court may extend any time period specified in this subsection as may be necessary if—

''(1) the debtor is a victim of a natural disaster; and

''(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.''.

(b) FILING OF PREPETITION TAX RETURNS.—Section 1308 of title 11, United States Code,

is amended by adding at the end the following:

''(d) The Court may extend any time period specified in this subsection as may be necessary if—

''(1) the debtor is a victim of a natural disaster; and

''(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.''.

SEC. 9. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

Section 1408 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Except'', and

(2) by adding at the end the following:

''(b) If a case under title 11 cannot be commenced in a district court described in subsection (a) because a person is the victim of a natural disaster (as defined in section 101 of title 11), then a case under title 11 may be commenced by such person in the district court for the district in which such person resides.''.

SEC. 10. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on October 18, 2005.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on and after October 17, 2005.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1648. Mr. COBURN (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1649. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1650. Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1651. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1652. Mrs. LINCOLN (for herself, Mr. REID, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2862, supra.

SA 1653. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1654. Mr. DAYTON (for himself, Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, Mr. HARKIN, Mr. HAGEL, Mrs. CLINTON, Ms. CANTWELL, Mr. SALAZAR, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra.

SA 1655. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1656. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1657. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1658. Mr. SHELBY (for Mr. DORGAN) proposed an amendment to the bill H.R. 2862, supra.

SA 1659. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, Mr. OBAMA, Mr. CORZINE, and Mr. DURBIN) proposed an amendment to the bill H.R. 2862, supra.

SA 1660. Mrs. CLINTON (for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1661. Mr. BIDEN (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. REED) proposed an amendment to the bill H.R. 2862, supra.

SA 1662. Mr. SARBANES proposed an amendment to the bill H.R. 2862, supra.

SA 1663. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1664. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1665. Mr. DORGAN (for himself, Mr. GRAHAM, and Ms. STABENOW) proposed an amendment to the bill H.R. 2862, supra.

SA 1666. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1667. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1668. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1669. Mr. SUNUNU proposed an amendment to the bill H.R. 2862, supra.

SA 1670. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1671. Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862 supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1648. Mr. COBURN (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304.(a) Notwithstanding the provisions in title III under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' and under the subheading ''INDUSTRIAL TECHNOLOGY SERVICES'', none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' for the National Weather Service is increased by $4,900,000 and, of the total amount made available for such purpose under such subheading, $3,950,000 shall be made available for the Coastal and Inland Hurricane Monitoring and Prediction Program and $3,950,000 shall be made available for the Hurricane and Tornado Broadcast Campaign.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''COMMUNITY ORIENTED POLICING SERVICES'' is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

SA 1649. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. Within the funds provided for the Drug Enforcement Agency, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Agency which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: *Provided*, That within 90 days of enactment of this Act, the Drug Enforcement Agency shall submit a plan that outlines the governance structure and membership of the task force: *Provided further*, That within 120 days the Drug Enforcement Agency shall establish the task force and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

SA 1650. Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. Of the funds made available under this title for the National Oceanic and Atmospheric Administration, $5,000,000 shall be made available to the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia for the development of the scientific assessment of hypoxia in United States coastal waters, including the Great Lakes, required by section 603(g) of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SA 1651. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. (a) Notwithstanding the provisions in title III under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' and under the subheading ''INDUSTRIAL TECHNOLOGY SERVICES'', none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' for the National Weather Service is increased by $4,900,000.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''COMMUNITY ORIENTED POLICING SERVICES'' is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

SA 1652. Mrs. LINCOLN (for herself, Mr. REID, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___ TEMPORARY MEDICAID DISASTER RELIEF

SEC. ___01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''Temporary Medicaid Disaster Relief Act of 2005''.

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. ___02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term ''disaster relief period'' means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section ___03 and paragraphs (1) and (2) of section ___04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to ''February 28, 2006'' in subsection (a) shall be considered to be a reference to ''September 30, 2006''.

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. ___03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term ''Katrina Survivor'' means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being ''from'' the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's ''residence'' shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term ''direct impact State'' means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iii) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(iv) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(v) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement

under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section ___04(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. ___04. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section ___03 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section ___03(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE ''CLAWBACK'' AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF ''CLAWBACK''.—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term ''State that experiences a significant influx of Katrina Survivors'' means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. ___05. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM..

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D–1(b)(2) of the Social Security Act (42 U.S.C. 1395w–101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

SA 1653. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 11, strike ''$2,287,000'' and insert ''$5,287,000''.

SA 1654. Mr. DAYTON (for himself, Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, Mr. HARKIN, Mr. HAGEL, Mrs. CLINTON, Ms. CANTWELL, Mr. SALAZAR, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 133, line 24, strike ''$1,078,350,000'' and insert ''$1,353,350,000 of which in addition to amounts provided by the following table $275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of $275,000,000 to come from activities as follows: $43,000,000 from travel and transportation of persons; $3,000,000 from transportation of things; $27,000,000 from communications, utilities, and miscellaneous charges; $6,000,000 from printing and reproduction; and $196,000,000 from other services''.

SA 1655. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 144, line 10, strike ''$409,625,000'' and insert ''404,625,000''.

On page 152, between line 20 and 21, insert the following: ''United States Travel and Tourism Promotion

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $5,000,000, to remain available until September 30, 2007.''.

SA 1656. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

SEC. 304. Notwithstanding any other provision of this Act, of the amounts made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'', not less than $5,800,000 shall be made available for the National Hurricane Center and that such amount may be used to employ individuals in 43 full-time equivalent positions at the National Hurricane Center.

SA 1657. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, beginning in line 2, strike '': *Provided further*,'' and all that follows through ''this Act'' in line 10.

SA 1658. Mr. SHELBY (for Mr. DORGAN) submitted an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related

agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 188, line 10, after ''Alaska'' insert ''or North Dakota''.

SA 1659. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, Mr. OBAMA, Mr. CORZINE, and Mr. DURBIN) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina).

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

SA 1660. Mrs. CLINTON (for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—KATRINA COMMISSION

SEC. ____01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the ''Commission'').

SEC. ____02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ____03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. ____04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. ____05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of

the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by 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 the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(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.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

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

(2) release public versions of the reports required under section ___10.

(c) PUBLIC HEARINGS.—Any public hearings of the 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. ___07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the 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, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the 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.—The Commission is authorized to 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.

SEC. ___08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the 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 the 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. ___09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. ___10. REPORTS OF COMMISSION; TERMINATION.

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

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The 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.

SEC. ___11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 1661. Mr. BIDEN (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. REED) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VII—EMERGENCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for fiscal year 2006 and designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) ENHANCING STATE AND LOCAL LAW ENFORCEMENT.—$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) $700,000,000 added to the Hiring section.

(B) $300,000,000 to the Interoperable Communications Technology section.

(2) ASSISTING CHILDREN IMPACTED BY HURRICANE KATRINA.—Under the Missing Children Program, $10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) ASSISTING VICTIMS OF SEXUAL ABUSE AND DOMESTIC VIOLENCE.—Under the Violence Against Women Act function, $8,000,000 for the Office of Violence Against Women to assist victims of domestic violence and sexual abuse in the areas impacted by Hurricane Katrina in the following amounts:

(A) $2,000,000 for the Rape Abuse and Incest National Network (RAINN) to rebuild crises centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate

services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.

(B) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of statewide coalitions.

(C) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the assessment of the statewide coalitions, and that the statewide coalitions can assess those needs.

SA 1662. Mr. SARBANES proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the ''Helping to House the Victims of Hurricane Katrina Act of 2005''.

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

''(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

''(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

''(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

''(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

''(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

''(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

''(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

''(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

''(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

''(vi) subsection (r)(1)(B), relating to restrictions on portability.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

''(i) shall be made available by the Secretary to individuals to cover the cost of—

''(I) rent;

''(II) security and utility deposits;

''(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(IV) such additional expenses as the Secretary determines necessary; and

''(ii) shall be used by the Secretary—

''(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

''(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

''(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

''(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

''(i) terminate 6 months after the date on which such assistance was received; and

''(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

''(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

''(i) the additional cost of rent and utilities;

''(ii) security and utility deposits;

''(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(iv) such additional expenses as the Secretary determines necessary.

''(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

''(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

''(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

''(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

''(A) directly administer any voucher program described in paragraphs (1) through (20); and

''(B) perform the functions assigned to a public housing agency by this subsection.''.

(c) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1663. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. Of the amounts made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' for the National Marine Fisheries Service—

(1) not more than $104,107,000 may be expended for headquarters programs, including corporate management and leadership and Silver Spring programs;

(2) $5,000,000 shall be for Southeastern shrimp product quality and marketing;

(3) $3,000,000 shall be for Gulf of Mexico oyster restoration;

(4) $3,000,000 shall be for Alaska near shore fisheries;

(5) $3,000,000 shall be for Pacific Coastal Fisheries Information Network catch effort data;

(6) $2,000,000 shall be for recreational fishing catch and release mortality research;

(7) $1,000,000 shall be for the Hawaii stock enhancement program;

(8) $1,000,000 shall be for bluefish and striped bass research and management;

(9) $1,000,000 shall be for Great Lakes restoration programs; and

(10) $1,000,000 shall be for New England stock depletion programs.

SA 1664. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. Of the amounts made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' for the National Marine Fisheries Service—

(1) not more than $116,107,000 may be expended for headquarters programs, including corporate management and leadership and Silver Spring programs;

(2) $5,000,000 shall be for Southeastern shrimp product quality and marketing; and

(3) $3,000,000 shall be for Gulf of Mexico oyster restoration.

SA 1665. Mr. DORGAN (for himself, Mr. GRAHAM, and Ms. STABENOW) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or (5) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

SA 1666. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) make available the data and information services of such Administration, including forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; and

(2) cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1667. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike ''$60,100,000'' and insert ''$80,000,000''.

SA 1668. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 137, line 3, strike ''$350,000,000'' and insert ''$352,000,000 of which $2,000,000 shall be for grants for methamphetamine prevention education programs in elementary and secondary schools to be offset by a reduction of $2,000,000 in the Drug Enforcement Agency salaries and expenses in this Act''.

SA 1669. Mr. SUNUNU proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, line 14, strike ''$15,000,000'' and insert ''$30,000,000''.

On page 134, between lines 4 and 5, strike ''$170,000,000'' and insert ''$230,582,000''.

On page 134, between lines 4 and 5, strike ''$30,000,000'' and insert ''$48,418,000''.

On page 156, strike lines 3 through 7 and insert the following:

In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology, $46,000,000, to remain available until expended.

SA 1670. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. ___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ___04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ___05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ___09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 1671. Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and

for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. Of the amounts appropriated or otherwise made available by this title under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'', $906,200,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 8, 2005, at 10 a.m., to conduct a hearing on ''Examining the Commodity Futures Modernization Act of 2000 and recent market.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 8, 2005, at 2 p.m., to hold a hearing on Nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, September 8, 2005 at 10 a.m., in SD–106.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Thursday, September 8, 2005 at 3 p.m. in SD–106.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 8, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Kenneth L. Wainstein to be United States Attorney for the District of Columbia.

II. Bills: S. 1088—Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch; S. 1197—Violence Against Women Act of 2005, Biden, Hatch, Specter, Leahy, DeWine, Kohl, Grassley, Kennedy, Schumer, Durbin, Feinstein; S. , Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feingold; S. 751—Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326—Notification of Risk to Personal Data Act, Sessions; S. 155—Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1086—A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer; S. 596—Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn.

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

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following staff members be granted the privilege of the floor during the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill: Jill Shapiro Long, Allen Cutler, and Gabrielle Batkin.

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

Mr. COCHRAN. Mr. President, I also ask unanimous consent that Art Cameron, who is detailed to our Appropriations Committee staff from the Treasury Department, and Kate Fitzpatrick be granted the privilege of the floor during the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Lindsay Jones of my staff be granted the privilege of the floor for the duration of today's session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2862

Mr. FRIST. Mr. President, I ask unanimous consent that other than the pending amendments, the only remaining first-degree amendments to H.R. 2862, the Commerce-Science-Justice appropriations bill, be the following list that I send to the desk; provided further, that they be subject to second-degree amendments which are relevant to the first-degree amendment to which they are offered.

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

The list of amendments is as follows:

Baucus—EDA, Baucus—EDA, Baucus—EDA, Bingaman—Methamphetamine education, Boxer—Katrina, Boxer—Katrina, Boxer—Relevant, Boxer—Relevant, Bunning—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant to list, Cantwell—Ice breakers, Cantwell—Methamphetamines, Cantwell—Methamphetamines, Clinton—Katrina Commission, Clinton—FEMA Reform, Conrad—Relevant, Conrad—Relevant, Conrad—JAG formula change.

DeWine—NASA, Dodd—First responders, Dorgan—Military contracting abuses, Durbin—Relevant, Durbin—Relevant, Ensign—NSF Funding, Feingold—Relevant, Feinstein—Methamphetamines, Frist—Relevant, Frist—Relevant, Frist—Relevant to any C/A 208 onlist, Frist—Relevant to any on list, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Inouye—USF ADA violations.

Kennedy—Red tide, Kerry—Small Business, Kyl—Internet Gambling, Kyl—Document Fraud Investigation, Kyl—SCAAP, Landrieu—Relevant, Landrieu—Relevant, Leahy—Relevant, Leahy—Relevant, Leahy—Relevant, Lieberman—Disaster financial relief, Lott—Natl. Marine Fisheries Service, Managers' Amendment, Martinez—Relevant, McCain—SOS, Mikulski—Managers' Amdt., Mikulski—Relevant, Mikulski—Relevant, Mikulski—Relevant to list, Nelson (FL)—NWS office consolidation.

Nelson (NE)—Bankruptcy trustee, Obama—Justice assistance grants 900M, Pryor—FTC Gas prices, Reid—Relevant, Reid—Relevant, Reid—Relevant to any on list, Reid—Relevant to any on list, Reid—Domestic violence, Roberts—FBI Funding, Salazar—Science Education funding, Salazar—Methamphetamines/DEA, Salazar—Katrina, Schumer—Cell Phone privacy, Schumer—Tax deduction for Katrina victims, Schumer—Relevant, Schumer—Relevant, Schumer—Relevant, Snowe—SBA, Snowe—SBA, Snowe—SBA, Stabenow—Interoperable communications, Sununu—Eminent Domain/Economic Development, Talent—Relevant, Talent—Relevant, Talent—Relevant, Wyden—NASA NSF Title 9.

AUTHORITY TO SIGN ENROLLED BILLS

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, September 8, 2005, the majority leader be authorized to sign duly enrolled bills.

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 20

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, September 12, at 5:30 p.m., the Senate proceed to a period for morning business for 1 hour with the time equally divided between Senator INHOFE or his designee and Senator REID or his designee, and that following the use or yielding back of time, the Senate proceed to a vote on the motion to proceed to Calendar No. 167, S.J. Res. 20. I further ask consent that if the motion to proceed is agreed to, the statutory time limit be reduced to 2 hours equally divided, and that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on passage of the resolution.

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

AMENDING THE NATIONAL FLOOD INSURANCE ACT OF 1968

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, H.R. 804.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 804) to exclude from consideration as income certain payments under the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 804) was read the third time and passed.

AUTHORITY TO SUBMIT TRIBUTES TO CHIEF JUSTICE REHNQUIST

Mr. FRIST. Mr. President, I ask unanimous consent that Senators be permitted to submit tributes to Chief Justice Rehnquist for the RECORD until September 30, 2005, and that all tributes be printed as a Senate document.

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

ORDERS FOR FRIDAY, SEPTEMBER 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Friday, September 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 2862, the Science-Commerce-Justice appropriations bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, the Senate will resume consideration of a very important bill, the Commerce-Justice-Science appropriations bill, a large bill and a bill on which we have a number of amendments to be considered and a bill that does have a direct application to our disaster response to Katrina.

Although there will be no rollcall votes tomorrow, the managers will be here ready to continue with the amendment process and expedite consideration of the bill. We now have a limited number of first-degree amendments in order, and I encourage Senators to come to the floor tomorrow, as well as Monday, so that we can complete action on this bill early next week.

Monday evening, we will have an hour of debate followed by a vote on the motion to proceed to S.J. Res. 20, a resolution of disapproval. That vote will occur at 6:30 p.m., and additional votes are possible into the evening.

Mr. President, in closing, this has been a challenging week for the entire country and, indeed, for the Senate as we have responded in an expeditious way to this natural disaster that the Nation has witnessed unfolding. We approached our response in the Senate at three different levels or three different phases or three different elements.

The first is this immediate action for relief and recovery, immediate response, quick action, considering legislation brought to the floor and setting other business aside to address that important immediate response.

We will continue to do that over the course of the next week and the week after that to make sure we address the needs that must be addressed at the Federal level through this body to facilitate the response to the disaster, focusing, of course, first and foremost on the safety and welfare of the victims.

Other immediate action was the $10.5 billion that we passed last Thursday night and then the $51.8 billion that we passed tonight, which will be signed here shortly and signed by the President within the next hour or so.

Another example is the Federal courts relief bill that we passed so that Louisiana Federal courts could be up and running with appropriate sites.

The second phase that is ongoing is the consideration of rebuilding, reconstruction, and this involves consideration of a whole range of issues through not all but most of our committees, in terms of redevelopment with strong economic incentives to capture the dynamism and the power of the private sector in partnership with the public sector.

It is going to take the strength of the public and the private sector working together to accomplish that successful rebuilding and reconstruction of a part of the country that can return and will return with a much more modern and revitalized future, a future that is actually very exciting as we look to the rebuilding and reconstruction, something to which the Governor, local officials, and the Federal Government are committed.

The third phase is analyzing very carefully what went right but probably even more importantly what went wrong in our response—meaning our generic response, everyone's response—to this natural disaster. Things did not go as well as anyone would like, Americans deserve answers, and we will get to the bottom of that.

We have established a bicameral, bipartisan committee with the House and the Senate working together to carry out that analysis. In addition, we have designated in this body the Homeland Security and Governmental Affairs Committee as the lead committee in oversight.

I mention these three elements because with so much activity, it is important for both our colleagues and the American people to know that we are working on each of these three elements with immediate action which requires expeditious consideration on the floor of the Senate; secondly, rebuilding and reconstruction to an even more modern and revitalized and very exciting future for the Gulf States; and thirdly, to investigate and analyze what went wrong.

We will continue with all of that over the course of the evening and tomorrow and through the weekend, and everybody will keep pulling together and acting in the best interest of the American people, with our thoughts and prayers going out to those people who have been so dramatically affected, along with the States, and who are now spread all over the United States of America.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, September 9, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 2005:

DEPARTMENT OF AGRICULTURE

CHARLES R. CHRISTOPHERSON, JR., OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE, VICE EDWARD R. MCPHERSON, RESIGNED.

DEPARTMENT OF ENERGY

EDWARD F. SPROAT III, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE MARGARET S. Y. CHU, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DALE W. MEYERROSE, OF INDIANA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. WILLIAM D. BAUMGARTNER, 0000
CAPT. MANSON K. BROWN, 0000
CAPT. JOHN S. BURHOE, 0000
CAPT. WAYNE E. JUSTICE, 0000
CAPT. DANIEL B. LLOYD, 0000
CAPT. ROBERT C. PARKER, 0000
CAPT. BRIAN M. SALERNO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be captain

KATHLEEN M. DONOHOE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID K. ALMOND, 0000
JEFFREY S. BAUER, 0000
ROBERT H. CARMACK, 0000
SUSAN F. DAIGNAULT, 0000
DONALD M. HUGHES, 0000
CHARLES R. MARQUIS, 0000
BERNARD T. MORELAND, 0000
JAMES B. PENNEWELL, 0000
JEFFREY SAINE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MERRICK E. KRAUSE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ANTHONY E. BARBARISI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

WESLEY A.* ARDT, 0000
MARK T.* ORLOWSKI, 0000
STERETT R. PREVOST IV, 0000
RUSSELL F.* ZAKOLSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JOHN M. ALLEN, 0000
JEFFREY R. BUDDENDECK, 0000
ROBERT D. BUZZONE, 0000
JOSEPH H. DONOHOE, 0000
MICHAEL J. LITTLEFIELD, 0000
STEVEN L. REYNOLDS, 0000
JOHN W. WELKER, 0000
WALLACE M. YOVETICH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

SEAN D. MCCLUNG, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 1552:

To be colonel

DENNIS J. WING, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KELVIN L. GEORGE, 0000
GERALD W. KETCHUM, 0000
TIMOTHY L. LAKE, 0000
MARK J. MICHIE, 0000
DEBORAH A. ROBERTS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JANICE E. BRUNO, 0000
JEFFERSON S. BURTON, 0000
RANDELL M. CASEY, 0000
MICHAEL K. DUNN, 0000
CECILIA I. FLORES, 0000
JOHN C. HARRIS, JR., 0000
STEPHEN F. LOGAN, 0000
RAYMOND C. MEYER, 0000
DAVID P. SHERIDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM C. DICKEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LAURA T. WELLS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES R. WARIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD T. OSTERMEYER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEANENE L. TORRANCE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES M. CARRASCO, 0000
ERIC M. GARDNER, 0000
SAMUEL Y. HANAKI, 0000
LISA M. SULLIVAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLIE C. BILES, 0000
CRAIG A. BUIST, 0000
DANIEL FELICIANO, 0000
KENNETH T. FRIEDMAN, 0000
MICHAEL J. GIRGENTI, 0000
FRANCIS S. GRIAK, 0000
BERNETT P. JEFFERS, 0000
TERRY L. JOHNSON, 0000
RICKY A. MCGLADE, 0000
ROSCOE C. PORTER, JR., 0000
WILLIAM G. WILLIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN R. BARSTOW, 0000
LAURA J. BENDER, 0000
JOSEPH L. COFFEY, 0000
DENIS N. COX, 0000
STEVEN L. DUNDAS, 0000
ROBERT J. ETHERIDGE, 0000
WILLIS E. EVERETT, 0000
CLIFFORD A. FORD, 0000
MICHAEL A. GREEN, 0000
PERRY D. HAAGEN, 0000
LEILA HAVADTOY, 0000
PHILIP D. KING, 0000
JEFFREY LOGAN, 0000
JUDY T. MALANA, 0000
MICHAEL P. MORENO, 0000
DANNY B. PURVIS, 0000
SCOTT L. RADETSKI, 0000
ABUHENA M. SAIFULISLAM, 0000
MATTHEW T. STEVENS, 0000
CARL E. TROST, 0000
DOUGLAS J. VRIELAND, 0000
BRIAN K. WAITE, 0000
MARK S. WINWARD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT P. ANSELM, 0000
THOMAS T. COOK, 0000
SHANE D. COOPER, 0000
JULIA W. CRISFIELD, 0000
DAVID D. FURRY, 0000
JENNIE L. GOLDSMITH, 0000
JAMES E. GOLLADAY II, 0000
DAVID M. GONZALEZ, 0000
JOHN A. GUARINO, 0000
MELISSA A. HARVISON, 0000
BRETT W. JOHNSON, 0000
WILLIAM C. KUEBLER, 0000
ZOE S. KUGEARES, 0000
IRVE C. LEMOYNE, JR., 0000
SUSAN M. MCGARVEY, 0000
JOHN W. MCHENRY III, 0000
KEVIN W. MESSER, 0000
STEVEN E. MILEWSKI, 0000
JAMES T. MILLS, 0000
JOHN A. MILLS, 0000
ROBERT P. MONAHAN, JR., 0000
JOSHUA P. NAUMAN, 0000
ELYSIA G. H. NGBAUMHACKL, 0000
ERIC J. OSTERHUES, 0000
ANDREA K. PICONE, 0000
MELISSA POWERS, 0000
MARK P. TILFORD, 0000
RYAN C. TORGRIMSON, 0000
ANN M. VALLANDINGHAM, 0000
RANDALL J. VAVRA, 0000
IAN S. WEXLER, 0000
ANDREW T. WILKES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ARTURO A. ASEO, 0000
CHRISTOPHER F. BEAUBIEN, 0000
KEITH K. BENSON, 0000
MARC E. BERNATH, 0000
STEVEN G. BLANTON, 0000
MICHAEL J. BRADY, 0000
WILLIAM L. BRECKINRIDGE, 0000
ERIK K. BREITENBACH, 0000
AMANDA J. BROOKS, 0000
DANIEL W. COOK, 0000
MICHAEL D. CRAFTS, 0000
JORGE R. CUADROSIBARRA, 0000
KARL R. CUPP, 0000
MARIO M. FORTE, 0000
GORDON J. GLOVER, 0000
ERIC C. HAUN, 0000
KENT R. HENDRICKS, 0000
ALEXANDER M. KOHNEN, 0000
JEFFREY D. LENGKEEK, 0000
MICHAEL P. LEONARD, 0000
JOSHUA B. MALKIN, 0000
GORDON E. MEEK III, 0000
GREGORY C. MILLER, 0000
ALEXANDER M. MOORE, 0000
TUAN NGUYEN, 0000
JASON M. PICARD, 0000
STEPHEN H. PITMAN, 0000
MARIO R. PORTILLO, 0000
JEFFREY S. POWELL, 0000
NATHANAEL B. PRICE, 0000
RUSSELL C. RANG, 0000
MATTHEW C. RIETHMILLER, 0000
THOMAS F. ROBBINS, 0000
MARC L. ROULEAU, 0000
LAURIE SCOTT, 0000
JOHN O. SIMPSON, 0000
DANIEL S. SPICER, 0000
NATHANIEL R. STRAUB, 0000
JEFFREY D. THOMAS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOEL D. BASHORE, 0000
MATTHEW J. BEHIL, 0000
STEVEN M. BELKNAP, 0000
FLINT M. BLASER, 0000
BRYAN L. BLYTHE, 0000
ALFRED H. BRANSDORFER, 0000
GABRIEL N. BROWN, 0000
TYSON J. BRUNSTETTER, 0000
JAMES R. CAMPBELL III, 0000
ERIC B. CARLSON, 0000
JOEL W. COOTS, 0000
LLOYD V. DAVIS, 0000
KATHLEEN E. DITTO, 0000
JUSTUS K. EHLERS, JR., 0000
RICHARD V. FOLGA, 0000
JOHN P. GAZE, 0000
GREGG W. GELLMAN, 0000
HECTOR GONZALEZ, 0000
MONIQUE C. GOURDINE, 0000
PAUL G. HAUERSTEIN, 0000
WILLIAM A. HILL, 0000
TIMOTHY A. JIRUS, 0000
MICHAEL T. KELLEY, 0000
JOHN A. KIRK, 0000
PAUL E. KLIMKOWSKI, 0000
JULIE K. LANDECKER, 0000
MANUEL D. LEAL, 0000
JAMES R. LINDERMAN, 0000
CHAD E. MCKENZIE, 0000
DEVIN J. MORRISON, 0000
CARLSON D. MOSS, 0000
KEITH B. NEWTON, 0000
JENNIFER E. NUSSBAUM, 0000
DOUGLAS K. PARRISH, 0000
RON PERRY, 0000
GUILLERMO PIMENTEL, 0000
SPRING L. PLIHCIK, 0000
JOHN P. PORTER, 0000
HEIKE K. RENTMEISTER-BRYANT, 0000
DAVID M. ROCKABRAND, 0000
JENNIFER E. RUHLMAN, 0000
FREDERICK J. SATKOWIAK, 0000
TARA N. SMITH, 0000
FREDERICK M. STELL, 0000
SONJA L. STEVENSON, 0000
FRANCISCO B. TACLIAD, 0000
ROGER L. TALBOT, SR., 0000
ROGER A. TALOB, JR., 0000
TAMARA R. WALKER, 0000
CHRISTIAN T. WALLIS, 0000
CHRISTOPHER A. WEAVER, 0000
GLENN A. WRIGHT, 0000
MEREDITH L. YEAGER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSEPH H. BECHT, 0000
MICHAEL L. BLANSCET, 0000
MICHAEL S. BOOTH, 0000
TONI A. BOWDEN, 0000
JAMES K. BURNHAM, 0000
RAMON A. CABUNGCAL, 0000
CYNTHIA A. CARDENAS, 0000
CLAYTON CHEUNG, 0000
CYNTHIA CHINH, 0000
CAMERON H. CONKIN, 0000
CHRISTOPHER E. CRECELIUS, 0000
DONALD C. DELISI, 0000
FREDERICK M. DILLARD, 0000
SCOTT E. DISTEFANO, 0000
DEBRA S. EDSON, 0000
JAMES R. FARRAR, 0000
ERIK A. FEIDER, 0000
GEORGE A. GINER, 0000
TUANH C. HALQUIST, 0000
JON J. HAVENSTRITE, 0000
THOMAS B. HINES, JR., 0000
ANDREW B. HOCKLEY, 0000
DANNY J. HOLTZCLAW, 0000
JANEEN M. HUGHES, 0000
MOLLY A. JENKINS, 0000
DAVID W. JONES, 0000
CHRISTOPHER S. KAPLAFKA, 0000

KENNETH MANGANO, 0000
MICHAEL J. METZ, 0000
TIMOTHY B. MEYERS, 0000
THOMAS W. MULLEN, 0000
TRAVIS D. NASH, 0000
VINH P. NGUYEN, 0000
REBECCA M. ORTENZIO, 0000
NANCY M. OSBORNE, 0000
MATTHEW M. PARKER, 0000
BETANCOURT J. H. PARRA, 0000
JOHVIN PERRY, 0000
ANTON PETRICH, 0000
ANGELA E. PINKERTON, 0000
SEPEHR RAJAEI, 0000
CHADWICK M. SARGENT, 0000
ERIC F. SCHOENEBECK, 0000
RODNEY V. SCOTT, 0000
DET R. SMITH, 0000
JACK D. SMITH, 0000
STEVE L. STALLINGS, 0000
STEPHEN J. STERLITZ, 0000
GLENN A. STOCKMAN, 0000
PETER A. VELLIS, 0000
WILLIAM O. WILSON, JR., 0000
ADAM K. WYATT, 0000
STEPHEN S. YUNE, 0000
CALVIN ZHAO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARIA C. ALBERTO, 0000
ANDRE K. ALLEN, 0000
JOHANNES M. BAILEY, 0000
MARK E. BAKER, 0000
ANTHONY G. BALDWINVOEKS, 0000
MELISSA A. BARNETT, 0000
HARVEY S. BECKMAN, 0000
RONALD J. BOYD, 0000
RICHARD D. BOYER, 0000
TIMOTHY E. BRODERICK, 0000
RAUL J. CARRILLO, 0000
ROSEANNA A. CHANDLER, 0000
DARREN J. COUTURE, 0000
WILLIAM D. COVILL, 0000
CRAIG A. CUNNINGHAM, 0000
ROGER D. DAVIS, JR., 0000
LAURA D. DEATON, 0000
WILBER C. DELORME, 0000
EVA S. DOMOTORFFY, 0000
IGNACIO P. DONEZ, 0000
JOYCE M. DOYLE, 0000
REID T. M. DUNBAR, 0000
JUNIUS E. DURAL, JR., 0000
TERESITA S. Y. ELSTER, 0000
MELISSA A. FARINO, 0000
JEAN F. FISAK, 0000
DIANE G. FRANKLIN, 0000
JOHN P. HAMILTON, 0000
ANGELA A. HARBER, 0000
GAYLE L. HARRIS, 0000
RONDA L. HARTZEL, 0000
JEREMY J. HAWKER, 0000
GREGORY M. HEMELT, 0000
EILENE R. F. HERRERA, 0000
BECKY J. HIGGINSON, 0000
RHONDA O. HINDS, 0000
DIANE K. HITE, 0000
SUZETTE INZERILLO, 0000
JOEL A. JOCO, 0000
GREGORY S. JONES, 0000
DAVID A. KEATING, 0000
TERESA L. KEATING, 0000
MARIA KELCHNER, 0000
ROGER C. LANKHEET, JR., 0000
CLINT A. LEMAIRE, 0000
DRU A. MACPHERSON, 0000
DELTHENIA T. MAHONE, 0000
SUSAN E. MALIONEK, 0000
CLYDE D. MARTIN, JR., 0000
ALISON H. MARTZ, 0000
DAVID A. MELVIN, 0000
DANIEL N. MEYERHUBER, 0000
DEBRA M. G. MURRAY, 0000
DANIEL S. NEAL, 0000
ELIZABETH A. NEPTUNE, 0000
KENDRA K. NOWAK, 0000
JEFFREY J. POOL, 0000
ELIZABETH L. A. PORTER, 0000
MARK A. REYES, 0000
MATTHEW L. RIVERA, 0000
JAIME J. SALAZAR, 0000
ROBERT C. SANDERS, 0000
ROBERTO SANJUAN, 0000
VIRGINIA L. SCHMIED, 0000
ANNA M. SCHWARZ, 0000
MITCHELL J. SEAL, 0000
JOHN M. SHARRETTS, 0000
CHRISTINE SNOWDEN, 0000
PAULINE M. STAJNER, 0000
ANDY S. STECZO, 0000
SARAH L. STEVICK, 0000
DAVID J. STEWART, 0000
DONALD T. SYLVESTER, 0000
CHARLES S. TROTTER, 0000
GABRIELE E. B. TSUNG, 0000
TAMERA K. TUTTLE, 0000
LANA L. VANVOORHEES, 0000
JOHN E. VOLK, 0000
GAYLE L. WALKER, 0000
LADAWN J. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINGO B. ALINIO, 0000
MATTHEW W. AREL, 0000
KATHY Y. ARTHURS, 0000
DEANGELO ASHBY, 0000
HEATHER E. BALDWIN, 0000
TIMOTHY G. BELLOTT, 0000
ROBERT J. BOLDIN, 0000
WILLIAM E. BOUCEK, 0000
JOHN S. BRAMBLETT, 0000
SYNEEDA P. BREWER, 0000
WRAY W. BRIDGER, 0000
SYLVESTER BROWN, JR., 0000
TIMOTHY A. BROWN, 0000
NOEL J. CABRAL III, 0000
TROY D. CARR, 0000
NICOLE L. CHAMBERS, 0000
TOBIAS CHAPPELL, 0000
ERIC J. CHOWNING, 0000
VICTOR J. CINTRONNATAL, 0000
WILLIAM CLARK, 0000
DOYNE D. CLEM, 0000
LOUIS A. COSTA, 0000
STUART M. DAY, 0000
CHARLES F. DETWILER, 0000
ALTHEA C. DEWAR, 0000
SHANE C. DIETRICH, 0000
RICHARD J. DIXON, JR., 0000
BRIAN K. DODSON, 0000
WALTER B. EGGE IV, 0000
BRIE GALLAGHER, 0000
ROY M. GARRISON, 0000
JONATHAN GRAY, 0000
TIMOTHY R. GRIFFIN, 0000
JEFFREY S. HEDRICK, 0000
DAMON B. HEEMSTRA, 0000
FREDERICK D. HIGGS, 0000
ALBERT L. HORNYAK, 0000
BRIAN T. JETER, 0000
JASON M. JOHNSON, 0000
MICHAEL C. JOHNSON, 0000
WESLEY P. JOHNSON, 0000
WILLIAM R. JORDAN III, 0000
BRUCE KONG, 0000
DAVID E. KUNSELMAN, JR., 0000
MARK C. KUTIS, 0000
EDDIE D. LEE, 0000
SCOTT D. LOGAN, 0000
MANUEL X. LUGO, 0000
BRYAN C. LUNDGREN, 0000
CHRISTIAN M. MAHLER, 0000
RONALDO M. MANALANG, 0000
BOBBY J. MARTINEZ, 0000
ROBERT S. MAZZARELLA, 0000
MICHAEL C. MCCORMACK, 0000
DEIRDRE M. MCGOVERN, 0000
JOSHUA H. MCKAY, 0000
DAVID A. MCNUTT, 0000
ROBERT L. MERRITT, 0000
JASON T. MORRIS, 0000
LISA M. MORRIS, 0000
TROY C. MORSE, 0000
JAMES H. MURPHY, 0000
TODD A. NELMS, 0000
MARK J. PEACE, 0000
JOEL P. PITEL, 0000
MARCUS L. POPE, 0000
MICHAEL W. POWELL, 0000
FRANKIE RIOS, 0000
DAVID L. RODDY, 0000
MICHAEL R. RODMAN, 0000
KENNETH W. RYKER III, 0000
LLOYD W. SAUNDERS, 0000
CORY D. SCHEMM, 0000
ROBERT S. SCOTT, 0000
MARK SHEFFIELD, 0000
LAMAL D. SHEPPARD, 0000
ROBERT M. SIMMS, 0000
DANA L. K. SMITH, 0000
TISHA D. SMITH, 0000
JAMES C. STATLER, 0000
SHANE P. STROHL, 0000
SALEEM K. TAFISH, 0000
SHIKINA M. TELLIS, 0000
JOHNETTA C. THOMAS, 0000
STEVEN M. THORN, 0000
ANGELA S. S. TORRES, 0000
RONNIE D. TRAHAN, JR., 0000
KADIATOU F. TRAORE, 0000
SCOTT E. VANVOORHEES, 0000
CHRISTOPHER A. WALDRON, 0000
STEPHEN M. WILSON, 0000
JAMES Y. WONG, 0000
LAGENA K. G. YARBROUGH, 0000
CHRISTOPHER R. ZEGLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MIGUEL A. AGUILERA, JR., 0000
JOEL A. AHLGRIM, 0000
PETER S. AIREL, 0000
MARIE E. ALDEN, 0000
CHRISTOPHER A. ALFONZO, 0000
JAY E. ALLARD, 0000
NATHANIEL B. ALMOND, 0000
ERIC L. ANDERSON, 0000
MICHELLE G. ARNOLD, 0000
ALEX L. AUBIN, 0000
ERIN K. BALOG, 0000
MICHAEL R. BAYDARIAN, 0000
ESTHER R. BEALLANDIS, 0000
DARREN S. BEASLEY, 0000
ROBERT M. BETTIS, 0000
ANTHONY C. BIASCAN, 0000
JOHN K. BINI, 0000
NISKA A. BLEVINS, 0000
THOMAS M. BRAXTON, JR., 0000
MATTHEW T. BRIGGER, 0000
CHRISTOPHER D. BROGA, 0000
CHRISTIN M. BROWN, 0000
MATTHEW W. BROWN, 0000
GARY W. BRUNETTE, 0000
CYNTHIA M. BRYANT, 0000
ROBERT J. CARPENTER III, 0000
WILLIAM K. CARSON, 0000
JOHN B. CASON, 0000
MICHAEL R. CATHEY, 0000
WILLIAM K. CHIN, 0000
BELINDA T. CLANOR, 0000
BRADLEY J. CLARKE, 0000
DEBRA A. CLARKE, 0000
MICHAEL G. CLARKE, 0000
LOUIS T. COHEN, 0000
DANIEL E. COOPER, 0000
ERICA V. COOPER, 0000
MARK D. CORRIERE, 0000
JUAN C. DAPENA, 0000
DERIK L. DAVIS, 0000
KONRAD L. DAVIS, 0000
GRAY N. DAWSON, 0000
MARIA L. DELIMA, 0000
MICHAEL L. DEVAN, 0000
JOHN J. DEVLIN, 0000
RANDOLF D. DIPP, 0000
ERIN A. DONOVAN, 0000
BRENDON G. DREW, 0000
MARK E. EATON, 0000
JILL E. EMERICK, 0000
DAVID K. EPSTEIN, 0000
JACQUELINE EUBANY, 0000
MARTHA E. FAGAN, 0000
JONATHAN A. FORSBERG, 0000
STEPHEN L. FOSTER, 0000
CHRISTEN P. FRAGALA, 0000
MALCOLM B. FRANKLIN, 0000
KELLY K. FRIEDMAN, 0000
LEE E. FRIEDMAN, 0000
TRACY A. FRITZ, 0000
DIANA C. FU, 0000
DAVID M. FURLONG, 0000
CURTIS W. GABALL, 0000
DANIEL W. GABIER, 0000
ROBERT J. GAINES, JR., 0000
KENNETH J. GALECKAS, 0000
TODD A. GARDNER, 0000
ANGELA L. GODEJOHN, 0000
ERINNE A. GRAHAM, 0000
ADOLFO GRANADOS, JR., 0000
THOMAS R. GRANT, 0000
JUSTIN S. GREEN, 0000
LAURA K. GRUBB, 0000
SHERRY A. GUARDIANO, 0000
TODD A. GUTH, 0000
CATHERINE E. HAGAN, 0000
JENIFER D. HAGUE, 0000
STEPHAN K. HANSES, 0000
DANIEL B. HAWLEY, 0000
JUSTIN W. HEIL, 0000
ELISE R. HOFF, 0000
EWELL M. HOLLIS, 0000
CARINA C. HOPEN, 0000
CHADLEY R. HUEBNER, 0000
NATHAN C. JOHNSON, 0000
JACQUELINE R. JONES, 0000
SEON JONES, 0000
JULIANNA P. L. KECK, 0000
JEFFREY J. KEYTE, 0000
MIN K. KIM, 0000
AARON A. KING, 0000
BRIAN S. KING, 0000
JULIE S. KING, 0000
ANA C. KRAKUSIN, 0000
ELAINE B. KREJCI, 0000
JULIE A. KRUMREICH, 0000
KEVIN M. KUHN, 0000
MARK E. LAMBERT, 0000
ROBERT J. LANGENFELD, 0000
DUANE M. LAWRENCE, 0000
KRISTEN M. LEWIS, 0000
JANIE C. LIAO, 0000
ANDREW H. LIN, 0000
VICTOR S. LIN, 0000
ROBIN W. LINDSAY, 0000
WILFRED A. LUMBANG, 0000
ERIK J. LUNDQUIST, 0000
TODD J. LUYBER, 0000
COREY J. LYON, 0000
WILLIAM M. LYTKOWSKI, 0000
ANTOINETTE M. MARENGO, 0000
ROBERT G. MARIETTA, 0000
JAMES C. MARSH, 0000
GERALD A. MASTAW, JR., 0000
CARTER J. MAURER, 0000
MITCHELL S. MCCLURE, 0000
BRIAN P. MCCOY, 0000
SHANNON M. MCDONNELL, 0000
MICHAEL P. MCDOWELL, 0000
JOEL T. MCFARLAND, 0000
PETER C. MCGOWAN, 0000
SEAN F. MCGRATH, 0000
TIMOTHY P. MCGRATH, 0000
JOEL R. METZGER, 0000
DOUGLAS C. MILLER, 0000
ALLISON H. MINARCIK, 0000
JOHN R. MINARCIK, 0000
AMIR MIODOVNIK, 0000
ARASH MOHTASHAMIAN, 0000
STACEY M. MONACO, 0000
MICHELE P. MORRISON, 0000
DAVID L. MOULTON, 0000

JAMES J. MUCCIARONE, 0000
FRANK E. MULLENS, 0000
MATTHEW S. MULLER, 0000
ANDREW D. MULLINS, 0000
DANIEL D. MUNN, 0000
GUILLERMO A. NAVARRO, 0000
MATTHEW W. NEWMAN, 0000
HUONG D. NGUYEN, 0000
MICHAEL W. NIELSEN, 0000
TRACY A. NOVOSEL, 0000
TODD J. OCHSNER, 0000
TIMOTHY R. OELTMANN, 0000
RODNEY OMRON, 0000
SUGAT K. PATEL, 0000
AARON A. PATTERSON, 0000
MATTHEW B. PATTERSON, 0000
UDAY K. PAUL, 0000
WILLIAM D. PEFFLEY, 0000
SCOTT D. PENNINGTON, 0000
WINNIE M. J. POLEN, 0000
JUSTIN R. RACHT, 0000
ANN E. RADFORD, 0000
ROBERT L. RICCA, 0000
GLENN R. RICHARD, 0000
JOHN R. RINGQUIST, 0000
MICHAEL E. RUDISILE, 0000
NATHANIEL J. RUTTIG, 0000
PATCHO N. SANTIAGO, 0000
ADAM K. SAPERSTEIN, 0000
BETTINA M. SAUTER, 0000
WILLIAM M. SAUVE, 0000
ROLF K. SCHMIDT, 0000
TRENT A. SCHUENEMAN, 0000
PATRICK J. SCHUETTE, 0000
CYNTHIA M. SCHULTZ, 0000
RUTH E. SCRANO, 0000
SCOTT D. SEGAL, 0000
MICHAEL P. SHUSKO, 0000
KURT M. SNYDER, 0000
KENNETH Y. SON, 0000
TRACEY L. STEFANON, 0000
KRISTIN R. STEUERLE, 0000
ERIK J. STORLIE, 0000
ALAN L. STRICOFF, 0000
BRIAN P. STRUYK, 0000
BRIAN J. STUART, 0000
JASON D. SWEET, 0000
HATTIE M. TAPPS, 0000
CHRISTOPHER M. TEPERA, 0000
MATTHEW M. THOMAS, 0000
STEPHEN C. THOMAS, 0000
KAY A. THOMPSON, 0000
VALERIE A. TOKARZ, 0000
BRENDAN T. TRIBBLE, 0000
TRICIA E. VANWAGNER, 0000
HEATHER J. VENTURA, 0000
JOHN W. VINCENT, 0000
GINA R. VIRGILIO, 0000
MATTHEW E. VOGT, 0000
BRADFORD S. VOLK, 0000
ERRIKA M. WALKER, 0000
DAVID A. WEIS, 0000
NATALIE Y. WELLS, 0000
TIMOTHY M. WIMMER, 0000
DOUGLAS A. WINSTANLEY, 0000
JAMES B. WITKOWSKI, 0000
DARYL S. WONG, 0000
DAVID A. WYCKOFF, 0000
BARRY K. YOUNG, 0000
GORDON J. ZUBROD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES W. ADKISSON III, 0000
AMY R. ALCORN, 0000
ROBERT C. ALLMON, 0000
ROBERT J. ALLSHOUSE, 0000
MICHAEL W. ALTISER, 0000
KENNETH J. ARMAND, 0000
MATTHEW E. ARNOLD, 0000
DANIEL A. AROS, 0000
BURT H. ARRIGONI, 0000
MARLON A. AUSTIN, 0000
EDUARDO AYALA, JR., 0000
ROBERT B. BAILEY, 0000
RONALD C. BAKER, 0000
MICHAEL W. BAKKER, 0000
BARRY W. BARROWS, 0000
LAWRENCE F. BEALS, 0000
TOMMY L. BEALS, 0000
RICKY A. BEATTY, 0000
TODD D. BECKER, 0000
ROBERT A. BEEBE, 0000
STEPHANIE C. BELCHER, 0000
WILLIAM D. BELFOUR, 0000
WILLIAM R. BELL, 0000
BRIAN R. BERTHIAUME, 0000
MARLENE A. BEST, 0000
MARK F. BIBEAU, 0000
DANIEL R. BILLIG, 0000
KEVIN E. BISSEL, 0000
BRYAN D. BLANKENSHIP, 0000
RANDY G. BOLLMAN, 0000
GERALD E. BOYD, 0000
MICHAEL A. BOYTER, 0000
KENNETH BRONOKOWSKI, 0000
BRENT J. BROWN, 0000
JIMMY BROWN, 0000
MICHAEL D. BRUCE, 0000
RICHARD M. BUCK, 0000
RAYMOND W. BURKHARD, 0000
ALICIA K. BURSAE, 0000
EDWARD L. CALLAHAN, 0000
CHUCK D. CAMPBELL, 0000
CYNTHIA F. CAMPBELL, 0000
JOSEPH F. CAMPBELL, 0000
MICHAEL J. CAMPBELL, 0000
JOHN D. CAPWELL, 0000
BRIAN J. CEBRIAN, 0000
MICHAEL E. CHAPMAN, 0000
JAMES CHASTAIN, 0000
MICHAEL T. CHERRY, 0000
ALAN M. CHUDERSKI, 0000
CHARLES M. CLANAHAN, 0000
GREGORY D. CLECKLER, 0000
SEAN T. CLEVENGER, 0000
JAMES M. COLEMAN, 0000
PATRICK CONROY, 0000
REY S. CORPUZ, 0000
CHARLES S. CORYELL, 0000
ROBERT D. COSBY, 0000
EARL K. COWAN, JR., 0000
FREDERICK L. COX, 0000
RAY D. COX, JR., 0000
REGINA M. COX, 0000
KENNETH J. CREGAR, JR., 0000
STEVEN D. CUMBER, 0000
DAVID A. CVITANOVICH, 0000
ROBERT G. DALTON, 0000
SCOTT R. DANCER, 0000
ALAN D. DAVIS, 0000
GLENN W. DEAL, 0000
RICARDO DELBREY, 0000
KENNETH L. DEMICK, JR., 0000
GINO F. DINVERNO, 0000
JAMES P. DOOLEY, 0000
KEVIN V. DOWD, 0000
ARNEL M. DUARTE, 0000
ERIC E. DUNN, 0000
MICHAEL N. DUNN, 0000
DAVID DWYER, 0000
JAMES S. DYE, 0000
MICHAEL A. DYER, 0000
THOMAS W. EASON, 0000
GARY E. EDGAR, 0000
KEITH S. FARRAR, 0000
DEWEY K. FELLERS, 0000
STANLEY G. FERGUSON, 0000
KEVIN R. FORBES, 0000
DARRELL FOSTER, 0000
MARK R. FOURNIER, 0000
SYLVESTER FREDERICK, 0000
WAYNE T. FULLER, 0000
GARY L. FUSELIER, 0000
ROWLAND V. GILBERT, JR., 0000
MARC J. GLORIOSO, 0000
JOHN J. GOFF, 0000
CURTIS L. GOSHEN, 0000
BUNN F. GRAY, 0000
RICHARD V. GREEN, 0000
JEFFREY D. GRISHAM, 0000
MITCHELL P. GROSS, 0000
JAY P. GULLEY, 0000
CHRISTOPHER D. HADEN, 0000
BART D. HALL, 0000
JAMES O. HAMMOND, 0000
DAVID W. HANSELMAN, 0000
GEORGE R. HAW, 0000
HARRY E. HAYES, 0000
CHRISTOPHER J. HEALY, 0000
ALTON J. HENAULT, 0000
BILLY W. HENDRIX, 0000
ROBERT A. HENLEY, 0000
STEVEN HERNANDEZ, 0000
WILLIAM C. HESTER, JR., 0000
WILLIAM J. HEWITT, 0000
TRACY L. HINES, 0000
YVONNE A. HOBSON, 0000
DAVID W. HODGE, 0000
RONNIE D. HOLLADAY, 0000
CLYDE A. HOLMES, 0000
DARRELL L. HOOD, 0000
WILLIAM F. HOWELL, 0000
SCOT M. HUSA, 0000
ALFRED L. IANNACONE, SR., 0000
DAVID L. JACOBS, 0000
ELLEN M. JARVIS, 0000
WESLEY T. JOHNSON, 0000
PRISCILLA M. JUSTINIANO, 0000
TODD C. KEELING, 0000
ELMER A. KIEL III, 0000
ANTHONY R. KING, 0000
MATTHEW J. KLEVA, 0000
JOHN L. KLINE, 0000
ROBERT D. KOKRDA, 0000
GREG A. KUNTZ, 0000
PERRY A. LAFOE, 0000
HIRAM K. LAMB, 0000
SCOTT R. LANGMYER, 0000
JOHN J. LANZONE, 0000
GARY D. LAROCHELLE, 0000
BRYAN L. LEATHERMAN, 0000
MICHAEL L. LEONARD, 0000
WESLEY C. LEOW, 0000
SIM Z. LEVEY, 0000
THOMAS E. LIPSCOMB, 0000
BRENT R. LITTON, 0000
ANN M. LONGBOY, 0000
ROBERT N. LOPEZ, 0000
MARCIA R. LOVE, 0000
JAMES W. LYONS, 0000
EDGAR MARTINEZ, 0000
MICHAEL P. MCCARTHY, 0000
MICHAEL L. MCDONALD, 0000
JOEL M. MCELHANNON, 0000
JOHNNY D. MCGRAW, 0000
BRIAN K. MCINTYRE, 0000
ANTOINETTE L. MCMILLEN, 0000
JANE E. MCNEELY, 0000
EARL F. MCNEIL, JR., 0000
EDGAR W. MCNULTY, 0000
DONALD L. MEDLEY, 0000
RICHARD L. MENARD, 0000
LAREAVA S. MESCHINO, 0000
MICHAEL P. MILLER, 0000
BRIAN A. MINARD, 0000
JEFFREY S. MOORE, 0000
ROGER E. MORRIS, 0000
PETER R. MOSS, 0000
JOHN J. MOTT, 0000
DAVID J. MURRAY, 0000
RICHARD K. MURTLAND, 0000
EDGARDO R. NARANJO, 0000
JEREMY P. NEWMAN, 0000
TIMOTHY M. NICHOLSON, 0000
ROBERT J. NICOLOSI, 0000
KEVIN B. OBRIEN, 0000
MICHAEL J. ONEILL, 0000
ERNEST W. OSBORN, 0000
CHERYL A. OUTLAW, 0000
MORRIS OXENDINE, 0000
JAMES J. PARENTE, 0000
FRANCISCO PARRA, 0000
WILLIAM L. PARTINGTON, 0000
JAMES A. PATTERSON, 0000
YOUNZETTA O. PAULK, 0000
DAVID A. PEARSON, 0000
TODD S. PERRY, 0000
ROBERT C. PETERSEN, 0000
THOMAS A. PHILLIPS, 0000
ANITA L. PIERCE, 0000
ALLEN PINKERTON, 0000
ROBERT M. PITKIN, 0000
CALVIN E. PONTON, 0000
RICHARD J. POOL, 0000
JOHN W. POPHAM, 0000
DWAYNE A. RASH, 0000
JAMES E. RAULSOME, 0000
THOMAS S. REA, 0000
DANIEL F. REESE, 0000
L. J. REGELBRUGGE III, 0000
DAVID J. REILLY, 0000
JOE S. RENELLA, 0000
MICHAEL P. RILEY, 0000
ROCKY A. RILEY, 0000
EUGENE R. ROBERTS, 0000
TERRY A. ROBINSON, 0000
JUAN B. RODRIGUEZ, 0000
MICHAEL ROSENBERRY, 0000
MICHAEL J. ROTH, 0000
CURNESS P. RUSSELL, 0000
MARKIEST D. SANDERS, 0000
JEFFRY A. SANDIN, 0000
STACEY J. SCHLOSSER, 0000
SCOTT B. SCHNEEWEIS, 0000
ANDREA L. SCHREIBER, 0000
FRANK M. SEGUIN, 0000
FREDERICK J. SEIGER, 0000
MARK S. SHANNON, 0000
ROBERT P. SHAW, 0000
JOHN F. SHEEHAN, 0000
MICHAEL SHELLENBARGER, 0000
KEITH E. SHIPMAN, 0000
HAROLD E. SHUCK, JR., 0000
MELANIE C. SIGAFOOSE, 0000
DONALD A. SIGLEY, 0000
JOHN S. SILVA, 0000
JEFFREY J. SIMONS, 0000
JOHNNIE L. SIMPSON, 0000
RICKY D. SMALL, 0000
GARY C. SMITH, 0000
CHRISTOPHER K. SNOWDON, 0000
RONALD W. SPAULDING, 0000
TIMOTHY L. SPAULDING, 0000
LARRY R. SPRADLIN, 0000
DAVID A. SPURLOCK, 0000
GEOFFREY L. STAHRE, 0000
ROBERT L. STEVENS, 0000
BARRY O. STOWELL, 0000
LUIS O. SUAREZ, 0000
ALLEN C. SUMMERALL, 0000
ANTHONY C. TARANTO, JR., 0000
DAVID L. TARWATER, 0000
MICHAEL S. TAYLOR, 0000
DOUGLAS J. THORNTON, 0000
ARTHUR C. TOEHLKE, 0000
MICHAEL G. TOPPING, 0000
LEONARD TREADWAY, 0000
CRAIG L. TRENT, 0000
STEPHEN J. TRZCINSKI, 0000
RENAN J. TULABUT, 0000
TIMOTHY S. TURK, 0000
JEFFREY L. WADELL, 0000
ALLEN W. WALLACE, 0000
TERRY L. WALTON, 0000
AARON T. WASHINGTON, JR., 0000
LARRY W. WATSON, 0000
STEPHEN D. WHISLER, 0000
DAVID J. WHITE, 0000
THOMAS N. WHITEHEAD, 0000
JOHN J. WHYTE, JR., 0000
MARK R. WILSEY, 0000
SCOTT J. WOLFE, 0000
DAVID J. WUESTEWALD, 0000
DALE E. YAGER, 0000
RONALD D. YARBER, 0000
KENNETH H. YOUNG, 0000
GREGORY C. ZACH, 0000
MICHAEL S. ZARTMAN, 0000
MICHAEL A. ZURICH, 0000