

over 80,000 Americans with 31,000 more Americans diagnosed each year. IPF scars the lining of the lungs and makes it hard for oxygen to be transported to the rest of the body. It negatively affects the ability of major organs to function normally and impairs breathing.

The National Idiopathic Pulmonary Fibrosis Resolution seeks to increase awareness, encourage further research, and support the goals of National Idiopathic Pulmonary Fibrosis Awareness Week.

Until the day when every American can live a life free of lung disease, we must continue to promote awareness, and strengthen our investment in research, diagnosis and treatment.

I urge my fellow colleagues to join me and Senators LUGAR and BINGAMAN in raising awareness of Idiopathic Pulmonary Fibrosis by supporting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. KENNEDY) 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 1696. Mr. SUNUNU 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 1697. Mr. NELSON, of Nebraska 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 1698. Mr. SCHUMER 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 1699. Mr. SCHUMER 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 1700. Mr. FEINGOLD 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 1701. Mrs. CLINTON 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 1702. 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 1703. Mr. PRYOR (for himself, Ms. MUKULSKI, Mr. SALAZAR, Mr. NELSON of Florida, Mr. HARKIN, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment to the bill H.R. 2862, supra.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2862, supra.

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) 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 1695. Mr. KERRY (for himself, Ms. LANDRIEU and Mr. KENNEDY) 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 end of title V, add the following:

SEC. 5 SMALL BUSINESS EMERGENCY RELIEF.

(a) DEFINITIONS.—As used in this section—
(1) the term “covered loan” means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—
(i) is located in a disaster area; and
(ii) has been adversely affected by Hurricane Katrina;

(2) the term “disaster area” means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term “small business concern” has the same meaning as in section 3 of the Small Business Act; and

(4) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(b) TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to Hurricane Katrina, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

“(A) REFINANCING DISASTER LOANS.—

“(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the ‘disaster area’) and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

“(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(B) REFINANCING BUSINESS DEBT.—

“(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause,

payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

“(5) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed \$10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

“(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.

“(7) LIMITATION ON SALES OF LOANS.—No loan under this subsection, made as a result of Hurricane Katrina, may be sold.”.

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking “, (2), and (4)” and inserting “and (2)”;

(B) by striking “, (2), or (4)” and inserting “(2)”.

(3) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration \$117,000,000, to make covered loans under section 7(b) of the Small Business Act.

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower during the time period described in paragraph (2).

(2) TIME PERIOD.—The time period under paragraph (1) shall begin on the date of enactment of this Act and end on the earlier of the date on which the Administration determines the borrower can resume making payments or the date that is 2 years after the date of enactment of this Act.

(3) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the time period described in paragraph (2), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15

U.S.C. 636(a)) is amended by adding at the end the following:

“(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

“(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

“(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

“(ii) for loans made in cooperation with a bank or other lending institution—

“(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

“(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Administrator shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

“(C) FEES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

“(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

“(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration \$80,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in

which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”

(g) BRIDGE LOANS.—There is authorized to be appropriated \$400,000,000 to provide, through appropriate government agencies in the affected States of Louisiana, Mississippi, and Alabama, bridge grants and loans to small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the “Secretary”) shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under Federal prime contracts and 40 percent of subcontracts described in paragraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to \$5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(A) \$21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, \$15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(B) \$2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(C) \$4,500,000, to be used for activities of women’s business center authorized by section 29(b)(4) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, whose 5-year project ended in fiscal year 2004, \$2,500,000 of which shall be non-matching funds used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(D) \$1,250,000, to be used for activities of the office of veteran’s business development pursuant to section 32 of the Small Business Act, \$750,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina; and

(E) \$5,000,000, to be used for activities of the microloan program authorized by clauses (i) and (iii) of section 7(m)(1)(B) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking “\$25,050,000,000” and inserting “\$30,550,000,000”; and

(B) in paragraph (1)(B)—

(i) by striking “\$17,000,000,000” and inserting “\$20,000,000,000”; and

(ii) by striking “\$7,500,000,000” and inserting “\$10,000,000,000”.

(j) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (7), as added by this section, the following:

“(8)(A) For purposes of this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

“(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

“(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business

concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(E) For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene” after “civil disorders”; and

(B) by inserting “other” before “economic”.

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (1)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(8) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(8) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(8), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(8) of the Small Business Act, as added by this subsection.

(k) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking “operations have” and inserting “operations (i) have”; and

(ii) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”;

(B) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(C) in the fourth sentence—

(i) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(ii) by inserting “or declaration” after “emergency designation”.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (1)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(1) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (j) and (k) and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Admin-

istration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(8)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (j).

(m) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

(n) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this Act, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this Act and the amendments made by this Act shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

SA 1696. Mr. SUNUNU 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 190, after line 14, insert the following:

SECTION 522. PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.

(a) PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.—A taking or condemnation of any real property under the power of eminent domain pursuant to the Fifth Amendment of the United States Constitution, or under any relevant State constitution, statute, or regulation, shall be only for public use.

(b) APPLICATION.—The requirement under subsection (a) shall apply to all exercises of the power of eminent domain by—

- (1) the Federal Government; or
- (2) any State or local government.

(c) DENIAL OF FUNDS.—Any State or local government violating the requirement of subsection (a) shall not be eligible to receive any benefits or assistance from the Economic Development Administration, as that Administration is authorized to provide such benefits and assistance under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(d) DEFINITIONS.—In this section:

(1) PUBLIC USE.—The term “public use”—

(A) means any use of property acquired by eminent domain for a public purpose; and

(B) does not include economic development.

(2) STATE.—The term “State or local government” means—

(A) a State, county, municipality, or other governmental entity created under the authority of a State;

(B) any branch, department, agency, instrumentalality, or official of an entity listed in subparagraph (A); and

(C) any other person acting under color of State law.

SA 1697. 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. COMPENSATION OF BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended—

(1) by striking “\$15” the first place it appears and inserting “\$55”; and

(2) by striking “rendered.” and all that follows through “\$15” and inserting “rendered, which”.

SA 1698. Mr. SCHUMER 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 158, line 9, insert after “Research” the following: “(of which \$400,000 shall be made available for a national waterborne disease recognition and disaster preparedness program at the Arnot Ogden Medical Center in Elmira, New York)”.

SA 1699. Mr. SCHUMER 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 190, between lines 14 and 15, insert the following:

SEC. 5. (a) Congress finds that—

(1) Hurricane Katrina made landfall on August 29, 2005, causing a catastrophic degree of human suffering and damage to infrastructure in the Gulf Coast;

(2) the Gulf of Mexico is responsible for more than 25 percent of United States oil production, and in the immediate aftermath of Hurricane Katrina this production capacity was rendered 90 percent inactive;

(3) due to the impacts of Hurricane Katrina, the Louisiana Offshore Oil Port, the largest oil importing port in the United States, was forced to close until September 1, 2005, limiting import capacity and tightening oil supplies;

(4) Hurricane Katrina forced the closure of 9 major refineries, temporarily eliminated more than 12 percent of national refining capacity, and has resulted in the loss of 1,300,000,000 barrels of refining capacity;

(5) in the wake of Hurricane Katrina's devastating impact on the Gulf Coast, the price of crude oil on the New York Mercantile Exchange reached a record high of \$70.85 per barrel, and the national average retail gasoline price reached a record level of almost \$3.06 per gallon;

(6) although the price of crude oil has fallen to levels experienced prior to Hurricane Katrina, the national average retail cost of gasoline has declined much more slowly and remains at near-record levels;

(7) following Hurricane Katrina, retail gasoline prices at some locations increased by as much as \$0.50 per gallon overnight, and, at

many stations, several price increases occurred during the same day;

(8) the rapid, irregular increase in retail gasoline prices and the failure of retail gasoline prices to significantly decline in correspondence with the price of crude oil have raised concerns regarding the possible existence of anticompetitive practices and price gouging in the oil industry;

(9) over the course of the past decade, the Federal Trade Commission has approved a series of mergers, acquisitions, and consolidating actions that have dramatically changed the face, and significantly increased the concentration, of the oil industry;

(10) in 1998 British Petroleum and Amoco were allowed to consolidate, in 1999 Exxon was able to acquire Mobil Oil, in 2000 BP-Amoco was allowed to acquire Atlantic Richfield, Chevron and Texaco were allowed to combine in 2001, and in 2005 ChevronTexaco was permitted to acquire Unocal and Valero was allowed to create the largest refining company in the United States when Valero was granted permission to buy Premcor;

(11) following these mergers, the 5 largest oil companies in the United States control almost as much crude oil production as the Middle Eastern members of the Organization of the Petroleum Exporting Countries, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(12) during the second quarter of 2005, the earnings of Exxon Mobil increased by 35 percent over 2004 earnings, and BP, Royal Dutch Shell, and ConocoPhillips enjoyed increases of 29 percent, 34 percent, and 51 percent, respectively, as a result of sustained and severe increases in oil prices.

(b) In order to ensure that the level of concentration in the oil industry is not allowing market participants to engage in anticompetitive practices or price gouging, the Attorney General of the United States shall conduct a review of the consolidations of British Petroleum and Amoco, Exxon and Mobil Oil, BP-Amoco and Atlantic Richfield, Chevron and Texaco, ChevronTexaco and Unocal, Valero and Premcor, and any other mergers the Attorney General determines to be appropriate to ensure that the conditions created by the mergers are not facilitating anticompetitive practices, retail gasoline price gouging, or any other conditions that are unduly detrimental to consumers, as determined by the Attorney General.

SA 1700. Mr. FEINGOLD 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 190, between lines 14 and 15, insert the following:

SEC. 522. RADIO CONSOLIDATION STUDY.

(a) **IN GENERAL.**—Of the amounts made available under the heading “Federal Communications Commission, Salaries and Expenses”, such sums as may be necessary shall be available to the Federal Communications Commission to conduct a study on consolidation within the radio industry since the Commission's rules on ownership were relaxed with the passage of the Telecommunications Act of 1996.

(b) **CONTENT.**—The study required under subsection (a) shall include an examination of the changes in various aspects of the commercial broadcast radio industry as a result of the implementation of the changes in section 202 of the Telecommunications Act of 1996, including—

(1) radio station ownership at both the national and local levels;

(2) the number of commercial radio stations;

(3) the number of radio station owners;

(4) the size of the largest radio station owners;

(5) the variety of radio formats available to consumers;

(6) the financial performance of publicly-traded radio companies;

(7) the performance of small radio station-groups in relation to the performance of large radio station-groups;

(8) the share of total radio advertising revenues accounted for by the largest radio station owners;

(9) the overall trend toward consolidation of radio station ownership; and

(10) the prevalence of cross ownership and joint ventures by radio station owners with concert promoters and venues.

(c) **TIMING.**—Not later than 6 months after the date of enactment of this Act, the Federal Communications Commission shall complete the study required under subsection (a).

SA 1701. Mrs. CLINTON 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 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by \$5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by \$5,000,000.

SA 1702. 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”.

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 1703. Mr. PRYOR (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment 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. Of the funds appropriated to the Federal Trade Commission by this Act, not less than \$1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the

aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of \$500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS))

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 142, after line 3, insert the following:

SEC. ____ . Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) 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 end of title V, add the following:

SEC. ____ (a) This section may be cited as the "Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act".

(b) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by inserting "either Corporation funds or" before "funds derived";

(B) in clauses (i) and (ii)—

(i) by inserting ", or has been a victim of sexual assault or a victim of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), " before "in the United States"; and

(ii) by striking "by a spouse" and all that follows and inserting a semicolon;

(C) in clause (ii), by striking the semicolon and inserting "(without the active participation of the alien in the battery, extreme cruelty, sexual assault, or trafficking); or"; and

(D) by adding at the end the following:

"(iii) an alien who qualifies or whose child qualifies for status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).";

(2) in subsection (b)—

(A) by striking "subsection (a)(2)(C)" and all that follows through "(1) The" and inserting "subsection (a)(2)(C), the"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) CONSTRUCTION.—Nothing in the amendments made by the Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act shall be construed to limit the legal assistance provided under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)) to victims of severe forms of trafficking in persons.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing entitled "Climate Change Science and Economics" will

be held on Tuesday, September 20th at 10 a.m. in Room SD-366. This is a continuation of the hearing held on July 21, 2005.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: John Peschke or Shannon Ewan.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, September 22, 2005, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those