

by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(1) CONSULTANTS.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(2) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.

(13) OTHER CONGRESSIONAL STAFF.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made available to the special committee by the Senate to carry out this resolution.

SEC. 5. SALARIES AND EXPENSES.

(a) IN GENERAL.—A sum equal to not more than \$500,000 for the period beginning on the date of adoption of this resolution and ending on February 15, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than [\$_____] for the procurement of the services of individual consultants or organizations thereof, in accordance with section 4(11).

(b) VOUCHER REQUIREMENT.—Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 6. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) COMPLETION.—The special committee shall make every reasonable effort to complete, not later than February 15, 2006, the investigation, study, and hearings authorized by section 1.

(2) INTERIM REPORTS.—The special committee shall also submit to the Senate such interim reports as it considers appropriate.

(3) RECORDS.—All records of the special committee shall be transferred to the Committee on Homeland Security and Governmental Affairs on termination of the special committee.

(b) TERMINATION.—After submission of its final report, the special committee shall conclude its business and close out its affairs within 90 days.

SEC. 7. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 8. COORDINATION WITH HOUSE INVESTIGATION.

The chairman of the special committee, in conducting the investigation and study described in section 1, shall consult with the chairman of the House Select Committee Investigate the Response to Hurricane Katrina conducting the parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

SEPTEMBER 15, 2005.

The Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BILL: Thank you for providing me with your proposal to have the Senate establish a select committee to review this nation's preparation for and response to Hurricane Katrina. Like you, I believe it is vitally important that we learn why our government's leaders failed to perform one of their most essential and basic tasks—protecting the American people from natural or man-made disasters and swiftly coming to their aid when such incidents occur. The survivors of this tragedy and all Americans have a right to expect that their leaders will make every effort to understand what went wrong so that we can identify and implement the steps necessary to ensure that what we witnessed this past month in the Gulf Coast never happens again.

As you know, under regular Senate order, the Senate Committee on Homeland Security and Governmental Affairs would take the lead in any investigation of the government's actions on Katrina and other disasters. This committee has both the authority under Senate rules and the demonstrated ex-

perience to conduct such an investigation. At the outset of our discussions about the best way for the Senate to proceed on this matter, I expressed my preference for letting this committee handle the Katrina investigation. I also said I would be willing to consider departing from regular Senate order to establish a select committee if I was confident such a committee could do a better job of providing the survivors and the American people the answers they deserve.

Unfortunately, after closely analyzing the proposal you presented to me earlier this week I have concluded it fails that critical test for one very, simple reason. As currently drafted, I do not believe your proposed select committee will conduct an independent, non-partisan investigation that will take a hard look at actions by both the Bush Administration and this Congress. As a result, your proposal will not provide the American people the assurances that we have learned every lesson from this tragedy and have developed the corrective measures necessary to make our country more secure in the future.

Consequently, I will continue my push for an independent, blue ribbon commission similar to what we established in the wake of the terrorist attacks on September 11, 2001. Democrats and, ultimately, Republicans agreed that approach was the best way to help the American people understand why their government failed them that awful day. And the commission's findings were broadly supported and embraced by the American people and leaders of both parties because they understood that, unlike any congressional body, the commission was uniquely capable of asking tough questions of both the Administration and the Congress.

Senator Clinton has proposed that we follow this proven model in the case of Katrina and I have yet to hear a compelling reason why we should not. At the same time, I will also continue to support the Senate Governmental Affairs Committee's efforts to investigate Katrina. Chairman Collins and Ranking Member Lieberman have worked well together in a bipartisan manner in the past and I am confident they will continue to do so in the future.

I remain hopeful that you will eventually agree to work with me to establish a truly independent commission to provide the American people answers about why their government failed them and what steps can be taken to ensure it never happens again. The survivors of this tragedy and the American people deserve no less.

Sincerely,

HARRY REID,
U.S. Senate.

ORDERS FOR MONDAY, SEPTEMBER 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m. on Monday, September 19. 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 proceed to a period of morning business with the time equally divided until 3 p.m.

I further ask consent that at 3 p.m. the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

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

PROGRAM

Mr. FRIST. Mr. President, today, as I mentioned earlier, the Senate did complete action on and overwhelmingly pass the Commerce-Justice-Science appropriations bill. Upon completion of the Commerce-Justice-Science appropriations bill, we began consideration of the Agriculture appropriations bill.

On Monday, we will resume consideration of this bill and, as always, I ask Senators to come forward and let us know if they intend to offer amendments. Our next votes will occur Tuesday morning, and we will probably begin voting very early Tuesday morning. We will be debating amendments on Monday; however, any votes that are ordered on Monday will be stacked to occur early on Tuesday morning.

ADJOURNMENT UNTIL MONDAY,
SEPTEMBER 19, 2005, AT 2 P.M.

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 8:39 p.m., adjourned until Monday, September 19, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2005:

DEPARTMENT OF STATE

MICHAEL R. ARIETTI, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

EXECUTIVE OFFICE OF THE PRESIDENT

KARAN K. BHATIA, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JOSETTE SHEERAN SHINER.

DEPARTMENT OF LABOR

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN LESTER HENSHAW.

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES S. GOODWIN, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROGER F. CLEMENTS, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

STEVEN J. ANDERSEN, 0000
JOSEPH T. BAKER, 0000
LUANN BARNDT, 0000
BRADLEY W. BEAN, 0000
PETER J. BROWN, 0000
DANIEL C. BURBANK, 0000
SCOTT A. BUSCHMAN, 0000
MICHAEL B. CERNE, 0000
DAVID A. CINALLI, 0000
AARON C. DAVENPORT, 0000
WILLIAM C. DEAL, 0000
VINCENT D. DELAURENTIS, 0000
PAUL E. DEVEAU, 0000

EDWARD N. ENG, 0000
STEPHAN P. FINTON, 0000
JOHN A. FURMAN, 0000
CRAIG A. GILBERT, 0000
HERBERT M. HAMILTON, 0000
JOHN T. HARDIN, 0000
THEODORE F. HARROP, 0000
DOUGLAS E. KAUP, 0000
ALGERNON J. KEITH, 0000
RICHARD M. KENIN, 0000
DAVID S. KLIPP, 0000
DAVID W. KRANKING, 0000
WILLIAM S. KREWESKY, 0000
GAIL P. KULISCH, 0000
CRAIG B. LLOYD, 0000
MICHAEL J. LODGE, 0000
DENISE L. MATTHEWS, 0000
JAMES L. MCCAULEY, 0000
CHARLES W. MELLO, 0000
DOUGLAS R. MENDERS, 0000
WAYNE A. MULLENBURG, 0000
JAMES J. OCONNOR, 0000
EDWARD W. PARSONS, 0000
ELISABETH A. PEPPER, 0000
BRIAN D. PERKINS, 0000
EDUARDO PINO, 0000
JOHN F. PRINCE, 0000
WILLIAM J. RALL, 0000
GARY C. RASICOT, 0000
JOHN J. SANTUCCI, 0000
NORMAN S. SCHWEIZER, 0000
DOUGLAS J. SMITH, 0000
TODD A. SOKALZUK, 0000
FREDERICK J. SOMMER, 0000
DAVID C. STALFORD, 0000
PAUL F. THOMAS, 0000
DAVID G. THROOP, 0000
PETER N. TROEDSSON, 0000
JOSEPH M. VOJVODICH, 0000
ROBERT P. WAGNER, 0000
ANDREW P. WHITE, 0000
MARCUS E. WOODRING, 0000
VANN J. YOUNG, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A):

To be colonel

JOHN M. ANDREW, 0000
MARTIN E. FRANCE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM R. EVERETT, 0000
JOHN R. HOLLY II, 0000
JEFFREY J. JEROME, 0000
KEVIN M. JONES, 0000
LARRY W. MAHAR, 0000
ALAN W. PROFFITT, 0000
LLOYD V. SMALL, 0000
PETER D.P. VINT, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

STANLEY A. BLOUSTINE, 0000
KRAIG S. BOWER, 0000
MICHAEL A. MADSEN, 0000
BRYAN L. MARTIN, 0000
LEOPOLDO A. RIVAS, 0000
ELISABETH J. RUSHING, 0000

To be lieutenant colonel

HENRY H. CANTON, 0000
BARBARA A. CROTHERS, 0000
JEFFREY P. MAWHINNEY, 0000

To be major

TERRY D. NEVILLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DARIO A. BARRATO, 0000
DAVID L. JARRATT, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JERRY BROMAN, 0000
WENDELL J. FOX, 0000
CHARLES M. JENNESS, 0000
FRANKLIN E. TUTTLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID A. ACCETTA, 0000

CHRISTOPHER D. BAKER, 0000
KRISTIN M. BAKER, 0000
JEFFERY M. BALL, 0000
CARL M. BELGRAVE, 0000
JOHN E. BIRCHER IV, 0000
TIMOTHY D. BLAIR, 0000
LISA M. BLESKEBRISTOW, 0000
WALTON M. BROWN, 0000
JEFFREY S. BUCZKOWSKI, 0000
JAIME S. CHANEZ, 0000
DAVID W. CHESTERMAN, 0000
KEVIN M. COAKLEY, 0000
MICHAEL J. COBB, 0000
DANIEL D. COCKERHAM, 0000
WILLIAM E. COLLIGAN, 0000
RICARDO CRISTOBAL, 0000
JOHN F. CURLEY, 0000
THOMAS A. DAVIS, 0000
GUY M. DEWEEES, 0000
RODNEY A. DUNHAM, 0000
ROBERT P. FABRIZIO II, 0000
DERRICK B. FARMER, 0000
DANIEL R. FEEMSTER, 0000
NATHANIEL FLEGLER, JR., 0000
MARK W. GARRETT, 0000
CHRISTOPHER C. GARVER, 0000
MAURA A. GILLEN, 0000
PETER C. GIOTTA, 0000
BRYANT D. GLANDO, 0000
GREGORY W. GLOVER, 0000
CHARLES E. GRINDLE, 0000
ROBERT A. GUERRIERO, JR., 0000
TERRY A. GUILD, 0000
BRADLEY HARDER II, 0000
TAMMY A. HEATH, 0000
ELIZABETH M. HIBNER, 0000
JAMES P. HOLLEY II, 0000
ROBERT H. HOSS, 0000
JAMES W. HOWELL, JR., 0000
MARK V. HOYT, 0000
MICHAEL C. JOHNSON, 0000
JEFFREY A. JONES, 0000
LLOYD C. JONES III, 0000
WILLIAM D. JONES III, 0000
ROBERT S. KIMBROUGH, 0000
DANIEL J. KING, 0000
MARK E. KJORNNESS, 0000
BERNARD P. KOELSCH, 0000
DUANE L. KRISTENSEN, 0000
CHRISTIAN T. KUBIK, 0000
PHILIP KWONG, 0000
MICHAEL T. LAWHORN, 0000
STEWART W. LILES, 0000
HOWARD Y. LIM, 0000
DAVID A. MARKOWSKI, 0000
PATRICK M. MARSHALL, 0000
RANDY A. MARTIN, 0000
JAMES T. MAYER, 0000
TROY D. MCKEOWN, 0000
ARIC W. MOSS, 0000
TIMOTHY E. MURPHY, 0000
ANDREW C. MUTTER, 0000
SHAWN M. NILIUS, 0000
MAUREEN J. OCONNOR, 0000
BRUCE PERRY, 0000
STACY P. PILGREEN, 0000
EDWARD C. PREM, 0000
STEVEN D. REHN, 0000
WILLIAM ROLDAN, 0000
CHRISTOPHER ROTH, 0000
JAMES E. ROZZI, 0000
LEE R. SALMON, 0000
MICHAEL J. SALUTO, 0000
RICHARD D. SANDERS, JR., 0000
TIMOTHY F. SELPH, 0000
JAC W. SHIPP, 0000
RICKY L. SIMMONS, 0000
PHILIP J. SMITH, 0000
SHARON E. SMITH, 0000
CLAIRE E. STEELE, 0000
TIMOTHY J. TALONE, 0000
DONALD P. TAYLOR, JR., 0000
WILLIAM D. THURMOND, 0000
ROBERT W. TURK, 0000
DAVID E. TUTTLE, 0000
MARK T. VANDEHEI, 0000
VINCENT M. WALLACE, 0000
CHRISTOPHER P. WATKINS, 0000
STEVEN R. WEIK, 0000
DANIEL WHALEN, 0000
DARIUS M. WHITE, 0000
GEORGE D. WINGFIELD, 0000
ROGER E. WRIGHT, 0000
PETER J. ZIOMEK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

LYNETTE M. ARNHART, 0000
VERNON J. BAHM, 0000
GEOFFREY T. BALLOU, 0000
MICHAEL T. BARKETT, 0000
ROBERT L. BATEMAN III, 0000
DENNIS J. BAY, 0000
JAY F. BECKERMAN, 0000
ARNOLD A. BENNETT II, 0000
SHELLEY A. BERRYHODNE, 0000
MAURICE F. BOLDUC, JR., 0000
JAMES P. BOOTH, 0000
TERRELL C. BOYD, 0000
EDWARD T. BRESLOW, 0000
JAMES J. BRUHA, 0000
RYAN A. BRUNK, 0000