

MS. They formed an organization, inspired, I think, by the wife of Congressman CHIP PICKERING. They started bringing in supplies. They got people organized from all different denominations. They sorted the gifts, they boxed them, they labeled them, and they sent out two 18-wheelers a day. Nobody told them where to go. They said: What do you need? And they sent it.

That story has been replicated over and over again. So there are heroes—individuals, first responders, military, people who just showed up and went to work, church-related groups. If it were not for the volunteers, the church-related groups, Red Cross and Salvation Army, I don't know where we would be.

Maybe that is the way it should be. This is still America. It is individual Americans who respond to every crisis and will do whatever needs to be done, will pay any price. I want the record to show there are a lot of people who have contributed so much personally. They have cried with us, they sweated with us, they bled with us, and they are doing it now on the ground in Pascagoula, MS, Biloxi, Gulfport, Pass Christian, Long Beach, Bay St. Louis and Waveland and towns in the hinterland throughout Louisiana.

I thank all those who have come to our aid. It is not over yet. Keep it coming.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LOTT. I am happy to yield.

Mr. WARNER. I am going to follow on with some greater detail about, as you say, the extraordinary participation of the men and women of the Armed Forces and, indeed, the Coast Guard, which is separate from my report that will be included with others today.

It is very important that you addressed the Senate this morning. If I may say, I have been privileged to serve with you nearly a quarter of a century in this institution. I commend you for your personal courage. You have faced adversity such as few of us have ever experienced. Throughout this year, there has been personal tragedy—loss of your mother, loss of your house—yet we see the leadership you have provided, indeed, as has our President and this institution and others in the face of this hurricane.

The Armed Services Committee is starting its briefing this morning. Two reports come from the Department of Defense to the Congress everyday, giving a detailed analysis with regard to the deployment of our troops. I left the briefing to come speak to the Senate this morning. We will be changing the force structure to meet the needs. For example, in all probability, the carrier can now move out, if it has fulfilled its mission. Frankly, as distressing as it is, there are tremendous assets connected with mortuary responsibilities which are now being moved in by the Department.

I want to thank our colleague. I know the Presiding Officer, the Presi-

dent pro tempore of the Senate, shares these feelings with every Member of this body. We salute you and your family.

Mr. LOTT. If the Senator will yield, I do appreciate his very kind remarks. I hope he will convey for me and the people of my State, and I am sure Louisiana and Alabama, too, to the military officers with whom you will be speaking, how much we appreciate what they have done. I don't know the numbers but it is thousands, maybe as many as 40,000 National Guardsmen. I flew in a Blackhawk helicopter a week or so ago—they were from New York; and I know they are there from Nebraska and Arkansas and all over America, literally. And of course the Active-Duty personnel. But the Coast Guard is a separate story. The Coast Guard, before, during, and after the hurricane, saved thousands of lives. When it was over, they didn't quit. But there are so many other things they have done. Channels have been cleared so we can get ships in. My hometown, it is navigable into our industrial site where we have a water refinery.

The USS *Comfort* is providing now for our medical needs and providing a bed to sleep in for first responders and food for people who haven't had a good meal in quite some time. They came in early. I could go down the list.

Once again, we have learned that our military is not just about fighting, preserving peace, and our interests around the world. They are there in disasters, man made and natural, in a way that nobody else could be.

The attitude of our men and women and the professionalism of the officers I met with was so impressive. I flew into the command center at Gulfport, MS. The National Guard was in command there. A three-star General from Alabama was there. The Alabamians were there right after the Mississippians got there because it took 7 hours to get to the scene because you had to cut through the pine trees on Highway 49 to get there. It took them 7 hours to get less than 90 miles.

I could go on and on, but the record needs to reveal the tremendous job that has been done, how important they are, as they work with us as we transition into different needs.

I thank the Senator for his comments about my own personal situation. In life you get a lot of trials. It is very hard. But what is the hardest is to see how these people now are still suffering in heat and debris. There are so many needs, and we can't get the help there fast enough. This is the time to try men's souls, but will make you stronger and better in the end.

Mr. WARNER. Mr. President, our distinguished colleague has stood the test—

Mr. LOTT. Thank you.

Mr. WARNER.—you and your fellow Senators from the three States most grievously affected. If you wait a minute, I will give you the following figures. Today, more than 72,000 mem-

bers of the Armed Forces have been deployed to the Gulf Coast, including 22,439 Active-Duty and more than 45,871 members of the National Guard—of which over 400 come from my State, I say to the Senator. I went down Friday in my State to prepare one of the bases to receive the evacuees. But every single State in our Union, including the territories, has contributed their Guard in response to the needs of your community.

#### ARMED FORCES RESPONSE TO KATRINA

Mr. WARNER. I thank the distinguished Presiding Officer. Mr. President, I would first like to say, as I mentioned, we receive a report everyday in the Senate from the Department of Defense regarding specifically the Guard and Active-Duty. Then, in addition, we receive a report from the Corps of Engineers. Our committee is a repository of these reports, but I am happy to share them with any Senators who so desire. They need only contact the Armed Services Committee or me personally, and I will see they are provided with the reports.

I join Senator LOTT and others in expressing our profound gratitude and pride to the men and women of the Armed Forces and indeed their families who are left at home for their service, responding with courage and untiring professionalism and compassion to our fellow citizens who fell victim to this tragic disaster.

As you know, our military has a supporting role in the effort. I underline "supporting role" because in no way do we mean to displace the valiant efforts of those on the scene, the first responders, such that were able to muster their forces and respond.

I wish to pay tribute to the magnificent response of all. I have stated the numbers a minute ago.

Furthermore, I wish to highlight that the National Guard forces are meeting the challenge, as well as the national commitments—Afghanistan and Iraq. Once again, our Guard is—I don't like to use the word "stressed," but they are challenged. I have spoken with General Blum, who is the Commander of the National Guard. He never once flinched when he said we are doing the job and we are going to succeed. Our hats are off to the National Guard. The Navy deployed 20 ships, including the USS *Harry S Truman*—it is an aircraft carrier. I remember when that ship was named—the USS *Whidbey Island* and the USS *Iwo Jima* and the USNS *Comfort*, the hospital ship. More than 400 aircraft, including 373 helicopters and 93 airplanes, are in support of search and rescue, medical evacuation, and logistical supply missions.

The heroism of those who pilot those helicopters and the crews who go down and rescue the individuals—those chapters in our history will be recorded for

posterity. They are absolutely magnificent. We have seen a tremendous response from our rotary and fixed-wing pilots.

Again, to date, the Active-Duty Forces have flown more than 2,783 sorties and the National Guard has flown more than 9,240 sorties. These sorties resulted in the evacuation of more than 80,000 people and the rescue of more than 15,000 people.

Additionally, more than 1,200 beds are available in field hospitals, and seven military installations are providing support as transportation staging areas as ice, water, food, and medical supplies as they became available.

Stop and think. In our daily lives, we go to our refrigerators and there is ice. Ice is something that is badly needed in these high temperatures. I specifically put it in because I watched, as almost every American has watched, as these individuals in their own quiet way ask for certain things. I was particularly struck by the need for ice and fresh water.

The amount of humanitarian support provided to the region is astounding. More than 16 million meals-ready-to-eat—the old MRE or military meals—44 million liters of water, and more than 175 million pounds of ice have been delivered to date.

The Army Corps of Engineers has 39 of its 137 permanent pumps operating throughout New Orleans, with an additional 46 military pumps operating at a lower capacity.

I understand the water level in New Orleans is dropping more than 1 foot per day. They have removed 94,000 cubic yards of debris and opened the Mississippi River to shallow draft traffic and deep vessels less than 39 feet.

As indicated by the tremendous support I have outlined, it is clear that the deep magnitude and devastation of Hurricane Katrina has resulted in an unprecedented response from the Department of Defense.

I want to say first that I do not wish to take away anything from the DOD or the dedicated men and women who have responded to the devastation caused by Hurricane Katrina—as it is, without question, a catastrophe without parallel in modern American history, and of a magnitude not seen in my lifetime. However, as many of our colleagues know—and as chairman of the Armed Services Committee—I am deeply concerned that the Department of Defense and our President have authorities to correct standby authorities in permanent law which they need to manage disasters.

Shortly I will engage in a colloquy, hopefully, with my distinguished chairman of the Homeland Defense Committee on the subject of what we should do in the future to look at the framework of laws and standby authorities to determine how better—I repeat, how better—not to fault those who performed in this catastrophe, but how best the totality of all the resources of our Nation can be brought to

bear should we ever have the misfortune of another natural disaster or, indeed, a terrorist act of the magnitude that we witnessed.

When I was privileged to assume chairmanship of the Armed Services Committee—before 9/11, I point out—our committee established a subcommittee called Emerging Threats. The function of that subcommittee has, is, and will be to look into the future to determine how best to prepare, primarily in our case, for a terrorist attack against our Nation. But those preparations can easily be directed toward a natural disaster, should it occur. I am very proud of the accomplishments of that subcommittee in the years I have been privileged to be chairman. But I believe the time has come that we reflect on the Posse Comitatus Act and other statutes which have stood by and served this Nation quite well in years past.

Mr. President, I ask unanimous consent to have printed in the RECORD additional documentation.

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

DOD SUPPORT FOR HURRICANE KATRINA  
RELIEF: EXECUTIVE SUMMARY  
COMMAND AND CONTROL

U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.

Joint Task Force Katrina East (Forward) is located at Camp Shelby, Mississippi—Lieutenant General Honore is on the USS *Iwo Jima* pier side in New Orleans, Louisiana.

Joint Task Force Commander for the Louisiana National Guard is Major General Landreneau, at New Orleans.

Joint Task Force Commander for the Mississippi National Guard is Major General Cross, at Stennis Space Center, Mississippi

OPERATIONAL HIGHLIGHTS

72,614 Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations:

22,439 Active Duty  
1,895 Reserves (573 Marine Corps, 53 Army, 450 Air Force, 819 Navy)  
45,871 National Guard (2,409 outside area ready to assist)

19 U.S. Navy ships are in the area.

Total aviation support in area:

346 helicopters (Active Duty and National Guard).

68 airplanes (Active Duty and National Guard).

DoD has provided extensive search and rescue, evacuation, and medical support:

2,783 Active Duty sorties flown—123 in the past 24-hours.

9,240 National Guard sorties flown—136 in the past 24 hours.

Total DoD medical personnel in the area is 2,037 (1072 Active Duty and 965 National Guard). Lieutenant General Honore directed that no Federal military service member will perform or assist with any type of forced evacuation.

JTF-Katrina is executing strategy that focuses on recovery while continuing to support disaster relief operations.

82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force conducting humanitarian assistance, search and rescue, evacuation and security assessments.

Division soldiers will not recover remains of deceased persons; will only mark and record locations for mortuary teams.

FEMA requested DoD perform all aspects of the mortuary affairs mission until another contractor can be found. The Secretary of Defense approved the deployment of 9 teams from the 54th Quartermaster Company Ft. Lee, Virginia. He also directed that 9 additional teams from the 54th be placed in be prepared to deploy status.

Commander, U.S. Northern Command requested the deployment of two fire trucks to support airport operations at New Orleans International—Both fire trucks in-place.

Mosquito spraying operations approved. Two sorties were flown by the: 910th Air Wing. They sprayed 912,000 acres in St. Bernard and Jefferson Parish.

Seven installations are providing support as transportation staging areas for ice, water, food and medical supplies.

21 million Meals Ready to Eat have been ordered by FEMA to support Hurricane Katrina response. 16.7 million have been delivered. 1 million have been diverted to Virginia and Georgia to support Hurricane Ophelia response if required.

789 beds are available in field hospitals: New Orleans International Airport (25 beds), USS *Bataan* (360 beds), USS *Iwo Jima* (105 beds), USS *Tortuga* (35 beds), 14th Combat Support Hospital (204 beds), and the USS *Shreveport* (60 beds).

Little Rock Air Force Base, Arkansas is the central collection point for supplies donated by foreign countries—119 nations and 12 international organizations have offered assistance.

Force Adjustments: USS *Harry S Truman*, USS *Whidbey Island*, Army Unmanned Aerial Vehicle Platoon, Army Aviation Assets, and the 920th Rescue Wing, 4th Expeditionary Medical Support, and 11th Marine Expeditionary Unit—USNS *Comfort* redeployment pending coordination and agreement between the Secretary DHS, Principal Federal Official, and State Officials that ship and unit are no longer required.

U.S. ARMY CORPS OF ENGINEERS SUPPORT TO  
HURRICANE KATRINA  
AUTHORITIES

USACE conducts its emergency response activities under two basic authorities:

The Flood Control and Coastal Emergencies Act (P.L. 84-99).

The Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288).

COMMAND AND CONTROL

Commander, USACE is Lieutenant General Strock in Washington, D.C.

USACE Task Force Commander is Major General Don Riley in Baton Rouge, Louisiana.

Mississippi Valley Division (MVD) Commander is Brigadier General Crear in Vicksburg, Mississippi. His area of operations covers the States of Louisiana and Mississippi.

South Atlantic Division Commander is Brigadier General Walsh in Atlanta, Georgia. His area of operations covers the States of Alabama and Florida.

OPERATIONAL HIGHLIGHTS

1,765 USACE personnel are supporting relief operations. Current unwatering estimates:

Orleans (East Bank)—02 Oct, Orleans East—08 Oct, Chalmette and Chalmette Extension—08 Oct, and 18 Oct for both Plaquemines basins. These dates are contingent on normal seasonal rainfall amounts.

TF Unwater is now pumping 19,056 CFS out of the parishes of New Orleans and Plaquemines.

Hydrogen plant continues to be our highest priority. Progress was made on debris removal and closure of the channel near the RR Bridge to isolate the plant's subbasin.

Water levels are falling at a rate of 18 inches per day.

Dutch team arrived in New Orleans and was briefed on situation. They will begin to assist in unwatering mission later today.

The German team began working at PS #19 last night and is scheduled to move on to PS #3.

Continuing to use booms to assist in containment of hazardous materials and working with EPA on this issue.

Actions for next 24 hours: We expect to add an additional 1,000 CFS at pump stations #3 and #7 in Orleans East Bank and 1,000 CFS in Plaquemines. We have identified a total of 27 levee breaches to date. Nineteen are attributable to the hurricane; eight are deliberate. Twelve interim repairs have been completed.

Water and Ice: 52,848,000 liters of water and 188,160,000 lbs of ice delivered to date:

Moving excess ice to prepare for Hurricane Ophelia.

Debris:

Total tonnage of debris removed and projected: 390,487 CY removed; 77.5M CY estimated.

Plaquemine Parish declined USACE assistance as of Sept. 10th.

Roofing:

Total temp roofs projected and completed: 51,000 projected and 262 completed.

Continuing to collect "Rights of Entry" in both MS and LA.

Power: 30 Prime Power soldiers working in the area:

Last 24 hours: Continued working assessments and generator installs in Mississippi and Louisiana:

We are experiencing problems with local personnel moving installed generators without coordination. This makes it difficult to properly maintain, refuel, and ultimately recover them.

Have completed 669 assessments and 159 generator installs to date.

Next 24 hours: Continue working to install power to permanent pumping stations, health facilities and to pumping stations around the hydrogen plant.

Navigation:

Mississippi River is completely opened all the way to the Gulf to shallow and deep draft vessels less than 39' (daylight only).

Inner Harbor Navigation Canal (IHNC) remains non operational due to bridge closures and sunken barges. Contractor expects to remove barges and open bridges by mid-week.

Housing:

We have completed the design review mission for FEMA Housing Area Command and are ready to perform quality assurance (QA).

We have completed dredging slips in Galveston for two cruise ships to dock and begin receiving evacuees.

Mr. WARNER. Mr. President, as we face an uncertain future as it relates to terrorism and the use of weapons of mass destruction, I have some thoughts with regard to this law which was passed in 1878 which restricts in certain ways—and the predicate for doing so is wise—men and women of the Armed Forces—that is, a permanent U.S. military as opposed to National Guard—in matters relating to law enforcement.

Traditionally, that has always been left to the local authorities, and that is the way it should be. But sometimes there may be one—I will have to examine the facts—that becomes so overwhelming or so incapacitated by a natural disaster, or perhaps a terrorist attack, that the Armed Forces may have to perform some of those duties. We

want to make sure the President has that capability.

Also, there are other permanent laws on the books called the Insurrection Statutes. At a very minimum, I would like to see the name changed that we put on this for reasons quite different than the threats and challenges that face this Nation today. But that statute also might be reviewed, along with the Posse Comitatus Act, to see whether other permanent pieces of law should be modified to meet the contingencies we face here in the future.

I see the distinguished chairman of the Homeland Defense Committee. I wonder if I might direct a question to her.

In the briefings we have had before our committee by members of various departments and agencies who had authorities to deal with this, I came away with an impression that we have to, in a very quiet and careful manner, look at the totality of the permanent law and regulations to determine what changes should be made to meet a contingency of the nature we have experienced—indeed, whether it is a natural disaster or military terrorist attack in the future. I wonder if our distinguished chairman has progressed in her thinking on this point.

The PRESIDING OFFICER. (Mr. VITTER). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, if I may respond to the Senator from Virginia, the distinguished chairman of the Armed Services Committee, first, let me commend the chairman of the Armed Services Committee for his thoughtful approach to the issue of whether our laws and authorities are adequate to deal with a disaster of the magnitude of Katrina.

He has indicated his interest in taking a hard look at the Posse Comitatus law and also the Insurrection Act, both of which put certain restrictions on the ability of Active-Duty Forces to be used for law enforcement purposes and in other ways. I commend him for raising these very important issues.

It was evident from the briefing we had with FEMA and Coast Guard officials last week before the Homeland Security Committee that those on the front lines believe the current structures are inadequate to deal with a catastrophe of this magnitude. We talked directly to FEMA's Director of Operations as well as to a Coast Guard admiral who has been in charge of the search-and-rescue operation. Each of them, in response to questions from both of us, indicated this catastrophe has overwhelmed the organizational structures and requires a new way of thinking. Both of them indicated interest in our taking a look, a close examination, at the two acts which the distinguished chairman has mentioned. I commend him for following up on this issue.

I think it is important that we look at that, as well as a host of other issues related to our preparedness and our response.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I am privileged to serve on her committee.

As a consequence of the close relationship between the Department of Defense and the various departments our committee—and I sit on a few—has over situations such as this—I might note for the RECORD the person from FEMA who appeared before your committee for the briefing was a career employee. I found him to be very qualified. He has some 30 years of experience. I think he shared with our committee some of his most profound thoughts based on some, I believe, 30 years experience. Am I correct?

Ms. COLLINS. The Senator is correct. He is a career employee, a member of the Senior Executive Service, with extensive experience.

Mr. WARNER. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes and that the allocated time be extended accordingly.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1690 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent Senator BYRD be recognized at 11 a.m. and Senator VITTER be recognized at 11:30 a.m. in order to address the Senate.

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

Ms. COLLINS. 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. DORGAN. 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

Mr. DORGAN. Mr. President, let me ask that morning business be closed.

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 resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for