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## House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, source of inalienable rights and savior and protector of Your people, as the Nation is deeply moved to compassion for the people of the gulf coast region, the President of the United States has issued a proclamation: Tomorrow, Friday, September 16, 2005, will be considered a National Day of Prayer and Remembrance for the victims of Hurricane Katrina.

Lord, we pray that Members of Congress, laying all political persuasion aside, will gather with their people over this coming weekend and be prayerfully united with those who have died, those who grieve over so many losses, and all who suffer because of this tragic event which has touched the soul of the South, so rich in spirituals, music, history, and gifted writers.

May You be praised, Lord, by all who gather this weekend in mosques, synagogues, churches, and homes to honestly pray for their brothers and sisters in need. May You be glorified in their glorious response of contributors of goods, money, and service, and by so many volunteers who wish to come to their aid.

May Your Holy Name be revered these days and for years to come by the perseverance of Americans, united to alleviate the suffering and build a future for the poor, the homeless, the jobless, and the widow and orphan.

This we pray now and forever. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. MURPHY led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five requests for 1-minute on each side.

### HURRICANE KATRINA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, many people have spent time since Hurricane Katrina devastated the gulf coast attempting to place blame on various agencies and elected officials. I would like to take a moment to focus instead on the positive developments that are occurring down there. Day by day, we are seeing improvements, both big and small.

After Katrina, 80 percent of New Orleans was covered in water; now the flood waters have receded to 30 percent

and are continuing to recede. Over the weekend, trash collection began in the city, and those who remained behind are already cleaning up their neighborhoods.

In Biloxi, Mississippi, the harbor opened for the first time since Katrina hit. The Coast Guard is now allowing limited commercial traffic, an important step in the recovery of the region. Utility companies are now reporting that around 131,000 homes and businesses are still without power, down from over 800,000.

I am hopeful that some of the other side of the aisle will set aside their partisan barbs and start focusing on the progress that is being made. Fingerprinting does not help the families who lost their homes or loved ones.

### INTRODUCING THE DISASTER PREPARATION AND LOCAL ACTION NOW ACT OF 2005

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, Hurricane Katrina highlights the need for disaster preparedness. Across the country, everyone is asking: Are we prepared?

Every level of government is reexamining how we can make our communities more disaster resistant. In James Lee Witt's FEMA, we had a tool to make that happen: Project Impact. This proven program brought together local leaders, citizens, and businesses to prepare for and protect themselves against the worst that nature could throw at them; and at the Federal level funding worked to leverage support from private sources, multiplying their effectiveness.

Unfortunately, this administration unwisely tossed aside Project Impact and broke a model that had worked so well. Today, I will introduce legislation to bring Project Impact back to

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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life. The Disaster Plan Act will reauthorize FEMA's predisaster mitigation grant program. None of us can stop natural disasters from happening, but we can and we must be prepared for what happens when a disaster occurs. Project Impact was a program that worked in a FEMA that worked, and now we need to bring it back.

#### SAVING LIVES AND DOLLARS IN HEALTH CARE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, each week I come before Congress to remind my colleagues of areas of health care where we can save lives and money. This week I want to mention that timely prenatal care, or medical care for women before pregnancy, can also save lives and money. One million American women deliver babies annually without receiving prenatal care, and in the United States more than 250,000 low birth weight infants are born each year who may subsequently have higher risk for various handicaps, heart defects, respiratory illnesses, et cetera. Women who are diabetic or are depressed have higher risk for this. The average costs in investing to help save these risks can save us between \$1 and \$4 when providing prenatal care and reducing neonatal intensive care costs later. It is a good investment for America to continue, and public-private partnerships are a way of continuing to do this.

I recommend Congress continue to look favorably on funding those programs that help provide prenatal care to continue to save lives and money.

For further information, I suggest my colleagues go to my Web site, [murphy.house.gov](http://murphy.house.gov), to learn about this and other ways that we can save lives and dollars in health care costs.

#### CALLING FOR A BIPARTISAN COMMISSION ON KATRINA

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in the wake of Hurricane Katrina, the finger-pointing continues. Today's New York Times reports on its interview with former FEMA head Michael Brown. In the interview, Mr. Brown blames Louisiana's Governor and Homeland Security Director Chertoff for inaction in responding to the crisis.

Mr. Brown's statements can probably be discounted as the words of a disgraced individual trying to save face, but the facts speak for themselves: government at all levels failed in the wake of Katrina's devastation. A KnightRidder story makes it clear based on a 2003 Presidential directive that Homeland Security Director Chertoff is the line authority for natural disasters, yet for 36 hours he was nowhere to be found.

Questions need to be answered, not to fix blame but to fix a problem. For example, how were Mr. Brown and his political deputies, all with no experience in disaster response, appointed as head of FEMA? Why did it take so long to get food and water to New Orleans? To answer them, this body should create a bipartisan commission of experts to investigate the failures and flaws in the system just like we did during 9/11, just like we did during Pearl Harbor.

Mr. Speaker, hundreds died. Tens of thousands have lost everything. Billions will be spent rebuilding the infrastructure. The stakes are simply too high to not know what went wrong. Americans do not want Pollyannish speeches or a whitewash. They want answers and results. Mr. Speaker, we need a bipartisan 9/11-style commission not only to find out what went wrong but to give us recommendations to fix the problem.

#### CONFIRM JUDGE ROBERTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday a judge in San Francisco ruled the Pledge of Allegiance, which we just said, is unconstitutional. Again, it is disturbing how a judge can strike down a voluntary act of patriotic expression. Any reading of the founding documents reveals that the first amendment was written to guarantee the right of expression. That should allow for public displays and proper expressions of faith in the public square. It also certainly allows for voluntary expressions of patriotism. But certain judges are ignoring it.

The Constitution established the judiciary as a coequal branch of government, not as the final and supreme authority. The hearings on Judge Roberts' nomination to the Supreme Court underscore the importance of confirming judges who understand this. We must maintain the proper checks and balances which our Founders designed. It is time for Congress and the President to stand up to the courts which have seized so much power to themselves. Ultimately, the survival of our constitutional Republic will depend on it.

#### CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House today is going to vote to create a special congressional committee on preparedness and response to Hurricane Katrina. My question is, why do we need a special committee? That is our job, anyway. We have a lot of committees in the House

that are supposed to be doing that every day all year.

What we need to do is see what happened. Let us have an independent commission to check both the executive branch's response and also the congressional branch. We need somebody to come from the outside and check both our test and our homework. Let us not have a sham or a whitewash.

#### SCHOOLYARD FIGHT OVER THE LADY NAMED KATRINA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, a fight broke out in one of the public high schools in Houston, Texas, this week between numerous recent evacuees from Louisiana and students from the Texas high school. Several were arrested. The tension and energy between the "displaced" and the "hometowners" should be channeled in a productive way. As a former judge in Houston, I believe these culprits should be held accountable for their attitudes and their attitudes need to be adjusted.

At the end of class on Friday, the Louisiana kids should be put back on a yellow school bus and sent back to New Orleans to spend the weekend cleaning up their hometown from the mess left by Katrina. The Texas students should spend the weekend at the Astrodome helping the thousands of volunteers in the relief effort. Then when both sides arrive back at school on Monday morning, they should have a different attitude about cooperation.

The schoolyard fight is similar to those here in the Capitol who gripe, complain, moan and groan and put blame on others for the Katrina disaster, but do nothing personally to help. Cease the fighting words and rhetoric and get on with the rebuilding, refurbishing, and renewal of our Nation.

□ 1015

#### NEED TO CREATE AN INDEPENDENT COMMISSION TO EXAMINE HURRICANE KATRINA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today the House will have under consideration legislation to create a select bipartisan committee to investigate the preparation and response to Hurricane Katrina. This would be a good commission if, in fact, it was bipartisan. But it is not bipartisan in the sense that both parties do not have equal access to the information or subpoena power or equal numbers on the committee to do the investigation.

Therefore, what we really need is a 9/11-type commission. The public overwhelmingly supports a 9/11 commission, an independent commission to

look at what the failures were that led to the devastation of Hurricane Katrina, an independent commission that can look at the administration, can look at the Congress of the United States, because both bodies, both entities, made decisions.

The Republican leadership in the administration, the Republican leadership in the Congress made decisions about resources, about talent, about personnel, about the deployments and all of the rest of this.

The idea now that they can come and investigate themselves, and they alone can hold the subpoena power, is a horrible mistake on behalf of the victims of Katrina and the American people. It should be rejected, and we should have a 9/11-type commission.

RECOGNIZING THE PHILANTHROPIST MRS. PAT SEAMANS WALKER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize one of Arkansas' most generous philanthropists, Mrs. Pat Seamans Walker.

Next week, Pat will be presented with the prestigious Arkansas Children's Award. There is good reason Pat is receiving this honor. Since Pat and her late husband Willard founded the Willard and Pat Walker Foundation in 1986, she has made it her goal to improve the quality of life in communities across Arkansas.

It is impossible to list all of the donations that the Walkers have made over the years in the short amount of time allotted to me. I would, however, like to give my colleagues a brief description of Pat's generosity.

Over the years, her foundation has given millions to educational institutions in Arkansas, millions to health care research and community health care centers in Arkansas, and hundreds of thousands of dollars to community libraries in the Third District of Arkansas.

Mr. Speaker, the examples that I have given are just a few of Pat Seamans Walker's gifts to Arkansas. Arkansas is extremely appreciative of her generosity. She certainly deserves this prestigious award, and I congratulate her on this honor.

COMMUNICATION FROM LEGISLATIVE ASSISTANT OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from Angelle Kwemo, Legislative Assistant of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
September 12, 2005.

Hon. J. HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE KWEMO,  
Legislative Assistant.

PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time on the legislative day of Thursday, September 15, 2005, for the Speaker to entertain a motion that the House suspend the rules relating to the bill H.R. 3768.

The SPEAKER pro tempore. The gentleman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is a modified open rule that provides for full consideration of H.R. 889, the Coast Guard and Maritime Security Act of 2005.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill and makes in order only those amendments that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate.

H.R. 889 was reported by voice vote from the Committee on Transportation on May 17, 2005. The bill provides for the reauthorization of Coast Guard activities for the coming fiscal year.

H.R. 889 has the strong bipartisan support from members of the Transportation Committee, and I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for again bringing legislation to the floor that has support from both sides of the aisle.

The Coast Guard is critical to our defense against terrorism and our response to natural disasters. Along the gulf coast, the Coast Guard rescued thousands of people from flooded areas in the aftermath of Hurricane Katrina. Many of these people were saved in daring rescue attempts from rooftops or trees.

We all mourn the loss of life caused by Hurricane Katrina, and we do not yet know what the final death toll will be. It is clear, however, that the loss of life would have been much greater without the heroic efforts of the U.S. Coast Guard.

The U.S. Coast Guard has the primary responsibility of securing ports from our oceans to inland rivers and has the job of providing maritime security across the country. Given the added responsibility of the Coast Guard in the post-September-11 world, we must ensure that the agency has the adequate personnel to maintain their readiness for both homeland security and for response to natural disasters.

It is clear that the Coast Guard faces many challenges in the homeland security and rescue missions. The GAO noted earlier this year that some stations need additional boats or staff to meet Coast Guard readiness standards and goals.

This legislation maintains a force of 45,500 personnel and authorizes funding for Integrated Deepwater Systems and for sustaining legacy vessels. The bill also requires a report to Congress on the implementation of the Integrated Deepwater Program that is modernizing the Coast Guard's fleet. These actions will allow the Coast Guard to continue to meet its mission to protect the public and our economic interests in the Nation's ports and waterways.

I would like to thank the Coast Guard and all of the many members of the Coast Guard, retirees and volunteers who have worked with the Coast Guard in heroic efforts surrounding Hurricane Katrina. Their ongoing efforts and their ongoing energy that is providing the ability to rebuild and re-ortify that wonderful part of our country are to be congratulated.

I would like to thank the leaders of the Transportation and Infrastructure Committee for bringing this legislation to the floor and hope that my colleagues will join me in support for the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the time, and I yield myself such time as I may consume.

I rise today in support of the Coast Guard reauthorization bill. As my colleague previously noted, the rule permits Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer those amendments. I appreciate that this opportunity was afforded to Members.

I am, nevertheless, disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative procedure which they call open is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment.

Mr. Speaker, first established in 1915, the Coast Guard is responsible for patrolling the more than 12,400 miles of coastline in the United States. Nearly 2,000 of these miles are located in my home State of Florida.

Today, the more than 100,000 active personnel, reservists, civilian and volunteer members of the Coast Guard auxiliary are America's front line guarding our seas, shores, ports and borders. In South Florida, the auxiliary volunteers play a critical role in promoting boating safety and awareness in our communities. They assist in search and rescue operations and work every day to make South Florida the recreation hotspot that it is.

The underlying legislation authorizes \$8.7 billion for the programs of the Coast Guard in fiscal year 2006. This includes some \$1.6 billion for its Integrated Deepwater System to assist the Coast Guard to upgrade an aging fleet of ships and aircraft and improve the technologies it utilizes.

With three major international shipping and cruise ports located within

just miles of my district, the Deepwater System is critically important to Coast Guard operations in Florida and elsewhere.

The Coast Guard works tirelessly to protect the ships and individuals who utilize our ports in this Nation and in my district, Port Everglades, Palm Beach and Miami and Dania.

I am pleased that the committee has determined this program worthy of such critical funding, and I express my hope that the Committee on Appropriations will fund IDS at its authorized level.

The authorization bill also permits the Coast Guard to establish Naval Vessel Protection Zones offshore, and it increases the number of active duty personnel in the Coast Guard to 45,500. The bill also doubles the duration of time that Coast Guard Reservists may be called up to active duty from 60 to 120 days over a 1-year period.

While the increase in active personnel is certainly needed so that the Coast Guard can continue to accomplish its mission, the change highlights a growing problem facing our Armed Forces. That is, America's all-volunteer military has become increasingly dependent upon the extended call-ups of Reserves.

The war in Iraq has indeed made recruiting more difficult for our armed services, but so have the diminishing benefits and pay we offer to our soldiers and the health care services we extend to our veterans. This Congress, so quick to wrap itself in the American flag, continues to underpay our soldiers and shortchange our veterans. With a track record like this, who can blame a soldier for not re-enlisting and a veteran who questions her country's commitment to her well-being now that she is out of the military?

□ 1030

Mr. Speaker, on behalf of this body, I thank the Coast Guard, as I am sure all of our colleagues do, for its service and commitment to the security of our great Nation. I am proud to offer my support for the Coast Guard and the underlying legislation.

Before ending, Mr. Speaker, I do want to make mention that during this time of great division and nastiness in Congress, it is commendable that the Committee on Transportation and Infrastructure was able to work in a truly bipartisan fashion. While our fellow citizens in the gulf States begin to rebuild their lives, they should take note of the bipartisanship and cooperation that went into crafting the underlying legislation.

As the author of legislation establishing an independent commission to evaluate the Federal, State and local governments' responses to Hurricane Katrina and with the support of more than 150 Members of this body and 75 percent of the American people, at least in one poll, it had been my hope that a similar willingness would have existed amongst my majority col-

leagues to address that issue. Unfortunately, as the American people have learned in the past 2 weeks and will find out again later this morning, no such willingness exists.

We can come together today and create an independent, bipartisan Katrina Commission with an equal number of Republicans and Democrats on it who will not be subject to political influence and partisanship. I implore my Republican colleagues to rise above the rancor in this body, follow the example set today by the chairman and ranking member of the Committee on Transportation and Infrastructure and establish an independent Katrina Commission.

The majority's unwillingness to establish such a commission will leave us woefully incapable of reforming our current disaster preparedness and response programs. If the last 5 years have taught us anything, it is that this Congress is unwilling to police itself or this administration. The only viable option is an independent commission.

In support of the Coast Guard, I ask that all of us look at the extraordinary work that they are doing and have done in the gulf coast region. We must know that every time one of those helicopters lifts and rescues victims from this awful tragedy that the time for that propeller is running out and these are already aging crafts. It is critical that we allow the Coast Guard the sufficient funding in order that they may revamp, restore, rehabilitate, and purchase the appropriate equipment to patrol our Nation's shores.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, in the course of a normal year, the Coast Guard rescues 5,000 people. In the last 16 days they have saved more than 33,000 lives. We have all marveled at the daring rooftop rescues, the heroism, the professionalism that they have demonstrated.

Since Hurricane Katrina hit the gulf coast, the men and women of the Coast Guard have been working backbreaking long hours, pushing themselves and their equipment to operational limits. In some cases they have used sledge hammers and axes to break through rooftops to rescue trapped residents. They have been delivering food, water, and medicine to those in need. They have responded to 284 fuel spills. And the Coast Guard's chief of staff, Thad Allen, has brought much needed order and structure to the relief efforts. It has truly been one of the Coast Guard's finest hours, and all America is profoundly grateful.

What Americans do not know is that even before the destructive power of Katrina hit the gulf coast, the Coast Guard had pre-positioned a number of aircraft and ships in the area ready to launch search and rescue efforts as soon as the weather cleared. In fact,

the very first rescue occurred when the eye of the storm passed over the region, and it happens that that first rescue was from a helicopter based at Air Station Cape Cod in my district, and I am proud.

The Coast Guard was ready. But also what most Americans do not realize is that the Coast Guard operates the second oldest naval fleet in the world. Their ships and planes are so old they are euphemistically described as "legacy assets." Many of these legacy assets are riddled with structural defects, putting Coast Guard personnel and the people who call on them for help at risk, like the nine crew members aboard the cutter *Storis* that was built in 1942 who were nearly killed when the davit lowering their lifeboat ripped away from the steel superstructure, crashing them into the frigid Bering Sea. The rescuers, in fact, had to be rescued.

Remember last year the Coast Guard's main search and rescue helicopter, the *Jayhawk*, experienced in-flight engine failures at a rate of 329 mishaps per 100,000 flight hours. The FAA-acceptable standards is one per 100,000 flight hours. These failures limit the JAYHAWK's ability to hover and place the lives of its crew, passengers, and those below in grave danger. The same helicopters are flying over the skies of the gulf coast right now.

The indisputable fact is that the demands on the Coast Guard have vastly outpaced its resources, and that is why it is incredibly important that we accelerate the Deepwater program and encourage the purchase of additional cutters and aircraft, as my friend from Florida has indicated.

As negotiations on the conference report for the homeland security appropriations bill continue, I implore our colleagues to bear this in mind and do all that they can do to give the Coast Guard the financial resources it needs to speed up, accelerate the Deepwater program.

It is essential if the Coast Guard is to continue to honor their motto of "Semper Paratus."

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) put it so well when he indicated that the Coast Guard is overburdened and underprepared. It is our responsibility to ensure that we do better.

On the scale of our armed services, the Coast Guard is always an afterthought, it seems, when it comes to resources. But in terms of what they do immediately with reference to the 12,000 miles of shores that they patrol, it is critical that we have clear understanding of their needs.

I have been on Coast Guard cutters, as have many of my colleagues. I have seen them in their rescue operations for persons who are not even American citizens, risking their lives and some-

times suffering loss themselves trying to ensure that others are protected in a proper manner. They do an outstanding job and their Deepwater program will help them to do an even better job than they are doing. It is not fair to send people up in aircraft that are legend related in terms of their age and usage.

It is critical that we pass this measure, and I believe that it will pass overwhelmingly; and I hope that the future of the Deepwater program will be appropriately funded by this Congress so that the Coast Guard will have in its possession the necessary personnel and material in order to do the job to keep this Nation safe.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan legislation which provides critical funding to improve our Nation's coasts and ports.

I think it is very timely that we are addressing this legislation today because the Coast Guard has done an exemplary job in rescuing the many victims of Hurricane Katrina; and we need to ensure, as my colleague has said, that they have the necessary resources to continue their mission.

I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 439

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, House Resolution 439 is a closed rule providing for 1 hour of debate for consideration of H. Res. 437, a resolution establishing a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

The rule waives all points of order against consideration of the bill and provides one motion to recommit which may not contain instructions.

Mr. Speaker, the human suffering and physical damage wrought by Hurricane Katrina is heart-wrenching and overwhelming. We all know that very well. Lives have been lost and uprooted. Families are separated without homes and without jobs.

Our initial focus has been on restoring hope and rebuilding community on the gulf coast. With great urgency Congress came together and with virtual unanimity passed legislation to fund the very important relief efforts. Over \$60 billion has been appropriated so far. Also critical has been the outpouring of support and generosity from fellow Americans and very importantly from 94 countries around the world. From small businesses to large corporations, people are pitching in.

That said, as President Bush has stated, there were aspects of the immediate response to Hurricane Katrina that were not acceptable. He said that this week, and I am sure that it will be made clear in the remarks that he gives to the Nation this evening.

Already we have seen the head of the Federal Emergency Management Agency resign. Clearly, many lessons are to be learned from what has happened. As debris is removed, water recedes and homes are rebuilt, we in Congress must now assume our very serious and consequential constitutional oversight role of the executive branch and Federal agencies so that we can find out exactly what went wrong and what went right in the early response to Hurricane Katrina.

□ 1045

We need to get to the bottom of what happened, when it happened and why it happened.

Mr. Speaker, to fulfill our oversight responsibility, we are following precedent and honoring tradition by creating a bipartisan select committee to look at the response of the government to Hurricane Katrina. This select committee will allow us to take a sober, serious, nonpartisan look at the development, coordination and execution of relief by State, local and Federal authorities.

At the same time, we must take great care not to interfere with the ongoing Hurricane Katrina recovery efforts. Critical personnel are still on the ground and actively involved in a time-sensitive, decision-making process. Congress can help uncover a better way forward, but it should not disrupt the progress that is being made at this moment.

Mr. Speaker, this rule serves as the most practical vehicle by which to consider this critically important legislation. I urge my colleagues to support the rule and the underlying legislation.

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

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

Mr. Speaker, on Tuesday, President Bush said that he took responsibility for the recent failure of the Federal Government to fulfill its ultimate duty of saving the lives of its own people within its own borders.

But what does responsibility mean? If it means anything, it means the sincere concern for what has happened under his watch. It means stopping at nothing to find out why a Nation led by officials who claim to care about keeping Americans safe presided over a recovery effort which left behind so many innocent men, women and children as they were crying out for help. It means caring about the truth, and it means putting people before politics.

Today, this Congress has to offer the American people its own definition of responsibility. The appalling aftermath of Hurricane Katrina, which swept over citizens from Louisiana to Alabama to Mississippi, was the product of a combination of failures: failures of planning, failures of execution, failures of accountability. It is the responsibility of this body to examine why our Federal Government was behind so many of those failures.

There is only one way to do this and only one path the public will respect, only one route to producing real answers to real questions which the American people will trust. We need a 9/11-type commission for Hurricane Katrina. The 9/11 Commission was our government's response to the tragedy of September 11, 2001; and after an exhaustive study, it produced a report that was trusted by the American people and by the members of our government.

This trust was earned. The 9/11 Commission was not beholden to any interests besides those of its own integrity and the good of the country.

This honorable response to the tragedy of September 11 puts to shame what has been proposed today in the wake of Hurricane Katrina. What was perhaps our Federal Government's greatest failure to date to defend life at home is being met with a failure of leadership and openness and honesty in this Chamber today.

The Republican leadership of the House and Senate has called for the

creation of an overtly partisan congressional committee to investigate the government's pre- and post-Katrina actions. They have specified that it would be a committee appointed by Republicans, with a Republican majority. They would give Republicans control of every aspect of the proceedings, and they alone would control who would be subpoenaed. They alone would control which documents could be examined, and they alone would control the scope of the investigation. They would have the power to take the investigation in any direction they chose, with no checks, no balances and no incentives to get real answers. They have nominated the fox to guard the hen house.

Mr. Speaker, I do not object to such a plan because Republicans would be in control as opposed to Democrats. I object to it because it is the Republican Party which controls the levers of government and, as such, manages FEMA and the Department of Homeland Security and every other Federal institution which must be examined.

The conflicts of interest that are present are so obvious that it is incredible anyone would deny them, but the members of the majority do not only do this, but they put forth one justification after another for their plan, each one less convincing than the one before it. They tell us that the structure of the committee is based on precedent and cite the bipartisan commission which investigated the Iran-Contra affair as evidence of this. Never mind that in that situation a Republican President was being investigated by a Democratically controlled committee, eliminating the political pressure to sweep truths under the rug.

Last night, in the Committee on Rules, they told us, rather incredibly, that nobody is better to evaluate in this body than its own Members. But the American people do not believe that. After all, accountability has not exactly been the hallmark of this Republican leadership.

This majority did not investigate those who concealed the Department of Health and Human Services' real estimate of how much the 2003 Medicare legislation that we passed would cost. It did not investigate the role of top Bush campaign contributors in writing Vice President CHENEY's energy plan. It did not investigate the Valerie Plame scandal. It did not investigate what led to our dehumanizing and shameful treatment of detainees at Guantanamo Bay in Cuba and Abu Ghraib in Iraq.

Why did these investigations not take place? The majority has no answer, except promising to us that this time things will be different.

Last night, the chairman did offer his personal assurances again and again that the commission would allow the Democrats to ask questions. It probably never occurred to us that we would not have been able to do that, but this is ultimately a promise that he cannot keep.

Only allowing a hand-picked group of witnesses to be questioned prejudices the investigation before it has even begun. If a true interest in a fair, open, thorough and independent investigation runs that deep with my Republican colleagues, why not just create the independent panel?

That is the central question I have for my colleagues today. Why will you not support the creation of an independent commission? What are you afraid of? The American people clearly had faith in the 9/11 Commission model. Why do you not?

A commission controlled by the politicians of one party charged with investigating itself will face tremendous internal political pressure to eliminate embarrassing truths from the public eye, to defer blame and to hide facts. That is the fundamental truth, because we all know how politics works.

Politics, by the way, is exactly why those recent scandals I just mentioned were never investigated.

Is the creation of an independent commission an abdication of our responsibility? Absolutely not. In fact, exactly the opposite is the case. If we intentionally create a partisan, political investigation, that, Mr. Speaker, would be an abdication of our responsibilities.

The American people need answers, they need true accountability, and the only way that we can live up to our responsibility and give them answers they can trust is through an independent commission.

The public already overwhelmingly supports the creation of such an independent commission by 76 percent, and over 160 Members of this body, representing more than 100 million of our Nation's people, have already supported the creation of such a commission through a substitute resolution by the gentleman from Florida (Mr. HASTINGS), my colleague. Its findings would not just help us to prevent another terrible disaster from taking place, they would also help our government to regain its credibility in the eyes of the public.

A Newsweek poll from earlier this week found that fully 57 percent of the general population has doubts that government officials will respond well the next time a disaster strikes. Those doubts would not be reduced until people believe that a real, independent investigation of Katrina has taken place. But the findings of the congressional commission being proposed by the Republican leadership will be forever tainted by the pervasive public belief that details were overlooked or truths hidden for political reasons. We have plenty of evidence to believe that.

Mr. Speaker, 2 weeks ago, our government missed an opportunity to rise to the occasion when it was sorely needed. The consequences were worse than we could have imagined. We cannot afford to miss another opportunity here today, and we object to the fact

that this resolution is titled “bipartisan commission” because, truly, there will not be one.

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

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

As I prepare to yield to my friend from Charleston, let me just say that the short answer to the question posed by my friend from Rochester about why it is we would not establish a commission, it is very clear. Article 1, section 8 of the Constitution states it, that we have to do our job. We have the responsibility to deal with this issue.

There are very important questions that have been raised by Democrats and Republicans and people from the outside community; and we, as the representatives of the people, have the responsibility to get to the bottom of this. That is what the establishment of this bipartisan committee is, in fact, going to do.

Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO), my very good friend and hard-working member of the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the creation of a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

As representatives, we are elected by the American people, and it is our duty to ensure that the numerous Federal agencies of which we have oversight and that we fund on an annual basis serve the taxpayers efficiently and effectively, and I think from the images that we have seen and from the reports from that area of the country, we have had serious problems.

This is a job best performed by the elected leaders of the United States. We are charged with the responsibility of oversight. We can be trusted by our constituents to find the truth.

To those who are critical of the makeup of this committee, I say to them, the United States Congress has responded in similar fashion 41 times, most recently with the formation of the Select Committee on Homeland Security in 2002 and 2003.

Mr. Speaker, we must form this bipartisan committee quickly so that the Members from both sides of the aisle can begin the vital task of finding the problems that plagued the response to Hurricane Katrina on the local, State and Federal levels. If we fail to act expeditiously and devolve into finger pointing and bickering, we are putting other areas of our Nation at greater risk. Mother Nature will not wait for the United States Congress to act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule and to the underlying resolution.

The Federal response to Hurricane Katrina was absolutely unacceptable.

The American people deserve to know what went so terribly wrong and what we must do to make sure it never, ever happens again.

Unfortunately, the partisan committee being proposed by the Republican majority will not give the American people any confidence that Congress is asking tough questions and demanding straight answers.

Apparently, Mr. Speaker, after the flood comes the whitewash.

For over 4 years, the Republican majority has refused at every turn to hold the Bush administration accountable for its mistakes. There has been no meaningful oversight, no tough investigations on anything.

Instead, Congress has turned a blind eye, and the bill we have before us represents more of the same.

The gentleman from Florida (Mr. HASTINGS), our colleague, has a different approach, a better approach. The commission established by his legislation would be truly independent, and its recommendations would carry far more weight. This independent commission would be similar to the 9/11 panel that was such an effective, meaningful force for change.

Because what the American people deserve at the end of this process is a document that does not necessarily agree with everything I say or does not cover the President's back, which is what the Republicans are trying to do today, but that actually helps fix the problems that Hurricane Katrina exposed.

Let me be clear, Mr. Speaker. The purpose of the commission established by the gentleman from Florida's (Mr. HASTINGS) bill is not simply to assign blame. Rather, an independent commission would take a tough, honest approach to an incredibly complicated problem.

Pre-identifying vulnerable areas, strategically deploying resources, anticipating potential stumbling blocks as we prepare for disasters, these need to be the guiding principles of our national response plan. An independent commission would produce recommendations that enhance our national response plan and enable FEMA to be structured appropriately.

Furthermore, this commission will show whether or not, as I believe, FEMA lacked appropriate leadership, leadership with experience in disaster management, and then recommend ways in which the agency can be better prepared, both in terms of personnel and resources. Unlike the President, I do not think Brownie did a heck of a job. An effective response to a disaster or crisis cannot happen unless the best qualified people are coordinating the efforts, equipped with the best resources.

□ 1100

The partisan committee put forward by the Republican majority just does not cut it. Instead, it would be made up of Members of Congress, and there are three problems with that approach:

First, there are some Members whose time would be better spent dealing with the immediate recovery and reconstruction needs created by the hurricane. Second, Republican politicians would be “investigating” other Republican politicians. And, third, some of the problems we saw in the gulf coast include bad funding choices made by Congress itself.

Mr. Speaker, the Federal Government's response to Hurricane Katrina was a national disgrace. The job of this Congress is not to run interference for the Bush administration; it is to do what is best for the American people. Seventy-six percent of the public want an independent commission because, quite frankly, they do not trust the Republican majority to do it right. They have a pattern of sweeping problems under the rug, of turning everything into a political fight. That pattern has to stop, and we can stop it today.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and as I prepare to yield to my friend from Moore, Oklahoma (Mr. COLE), I want to say to my good friend from Massachusetts that it is very clear that Members of the United States House of Representatives do have the ability to deal with a disaster and at the same time engage in a very, very important investigatory process.

It is also very important to note that this is not going to simply be Republicans asking questions of other Republicans. As I said earlier, and I know my friend from Rochester raised this when she said it was nice of me to say that Democrats would have the opportunity to ask questions, but we know that Democrats, by virtue of this being a bipartisan committee, will be able to be deeply involved and engaged in this process as well.

Once again, I think it is important to note, as my colleague and friend from West Virginia said, that we are the elected representatives of the American people and this is our constitutionally mandated responsibility which we should not pass on to someone else.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a hard-working member of the Committee on Rules.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of House Resolution 439 and in support of the underlying resolution.

Mr. Speaker, the minority objects to House Resolution 437 on the basis that the bipartisan committee it creates will be inherently unbalanced and unfair. One suspects they believe it will be unfair largely because while they will have full rights of representation on the committee in question, they will inevitably be the minority on any panel that fairly represents the composition of both the House of Representatives and the other body.

It would be easy and entertaining to lampoon the consistency of the so-

called Party of the People rejecting a committee composed of the elected representatives of the American people in favor of one made up of individuals who are both unelected and unaccountable to the voters of this country, but I will avoid that temptation.

Frankly, there are deeper issues here. The first is our faith as individuals in the efficacy of democracy itself. As the minority in this House for 11 years, I fear my friends on the other side of the aisle have lost their faith in the American people, because of the choices they have made at the ballot box in recent years. Having served as a member of a seemingly permanent minority in the Oklahoma State Senate earlier in my career, I understand the frustration on which that sentiment is based.

However, as adherents to the ideals of democracy, we should trust that over time the people will get it right and that if our views are sound, they will prevail. In the meantime, our job is to argue our point of view in the court of public opinion and accept the outcome at the polls when the verdict is rendered.

The second issue at stake here is the wisdom of empowering people who are neither elected nor accountable to perform the task our Constitution assigns to the elected representatives of the American people. Frankly, I share the sentiments Winston Churchill famously voiced when he said "democracy is the worst form of government, except for all those others that have been tried."

Mr. Speaker, it is fundamentally unsound and undemocratic to turn over the function of congressional oversight to a group of individuals who have neither been elected by the people nor accountable to the people for their actions or recommendations. Appointing a commission is the easy way out. It is a way for us, the representatives of the people, to avoid our responsibilities. Its members, however expert and well-intentioned, did not design or create the agencies and processes we wish to examine in connection with Hurricane Katrina. We did. Similarly, they will not be responsible for reforming these agencies or finding the solutions to our current problems. Those duties belong to the elected representatives of the American people.

My colleagues on the other side of the aisle often complain there is insufficient congressional oversight. This is our chance to exercise that oversight, and the voters will surely hold all of us accountable for how well we do the job.

My fellow Members, let us have faith in the American people, our democratic institutions, and ourselves. Let us do the job we were elected to do, rather than hand it off to those who were neither asked nor chosen by the American people to govern their affairs. I urge support of House Resolution 439 and the underlying House Resolution 437.

Ms. SLAUGHTER. Mr. Speaker, if an independent commission is an abdica-

tion of our authority, why did we all vote unanimously to establish the 9/11 Commission?

Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking Democratic member on the House Committee on Rules, for yielding me this time.

A footnote right there, Mr. Speaker. I hope the irony is not lost on the House that the gentlewoman, a New York Member, is being lectured to about homeland security issues and why there is no need for an independent Katrina commission. New Yorkers were told 3 and 4 years ago that there was no need for an independent commission on 9/11.

I note peripherally that the distinguished chairman of the Committee on Rules has other business and has left the floor; but I was prepared to ask him, and perhaps his replacement in the chair for the majority can answer for me, what did the House of Representatives do in the last 3 years with reference to the tragedy of 9/11? What we wound up doing, because the victims and New York pressed forward, was establishing an independent commission.

The chairman pontificates that we should exercise our constitutional mandate; and so does his replacement, my friend and colleague on the Committee on Rules, say what our constitutional duty is. Every one of us is mindful of our constitutional duty. But are you then prepared to admit that we did not exercise it correctly in the 9/11 Commission period and that is why the 9/11 Commission came into existence in the first place?

Last year, as we all know, four hurricanes ravaged my home State of Florida and some of the gulf coast. Three of them literally destroyed parts of the district that I am privileged to represent. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. We saw that a once-reliable agency had been placed on the back burner as an afterthought in the Department of Homeland Security. Natural disaster preparedness and response programs have become trapped in a homeland security bureaucracy.

FEMA has lost its focus, and Floridians and others know that. Our delegation literally begged the committees of jurisdiction to hold hearings on what we saw in Florida. I even introduced bipartisan legislation in March with our colleague on the majority side, the gentleman from Florida (Mr. SHAW), to address what we perceived to be FEMA's largest problems. Yet every time we took our concerns to the committees, we were told it is not a big enough problem to consider on its own.

Our staff was told we do not think that an oversight hearing is needed.

Well, Mr. Speaker, what America saw in the gulf coast resembles the Federal Government's absolute incompetence that Florida saw last year. Despite a whole lot of lip service, nothing has changed.

The 9/11 Commission was created to provide a full and complete accounting of the 2001 terrorist attacks. Implicit in this mandate is the simple fact that Congress alone would not or could not provide such a full and complete accounting. There is no reason to expect that the Republican Katrina commission will do any better.

That is why I and the gentleman from New Jersey (Mr. MENENDEZ) and 156 of our colleagues yesterday introduced H.R. 3764, legislation establishing a real independent commission, immune from political influence and absolute partisanship. And while they cannot officially cosponsor our bill, a significant part, 76 percent, of the American people agree with us. They question this Congress' ability to exercise real oversight and are calling for an independent and bipartisan Katrina commission.

Supporting the American people's concerns, you, Mr. Speaker, said at one point, and I quote, "Our party controls the levers of government. We're not about to go and look beneath a bunch of rocks to try to cause heartburn." Put another way, Mr. Speaker: we helped create this mess, and we are not going to be able to investigate it ourselves. So forgive me, Mr. Speaker, if I question the majority's ability to conduct effective oversight with this type of political candor.

Substantively, the Republican plan is partisan. And because my colleagues say it is bipartisan does not make it so. It is inadequate. In stark contrast to the 9/11 Commission, Republicans outnumber Democrats on the majority's partisan Katrina commission. In contrast to the 9/11 Commission, which was given 18 months to do its job, the majority's partisan Katrina commission is only given 5 months. As the chairman put it last night, do it quick, do it fast. Quickly, he said.

Despite the 9/11 Commission's \$15 million budget to do its job, the majority's commission they propose is only given \$500,000.

Footnote right there. What about the committees of jurisdiction already in existence in Congress? And what about creating a circus atmosphere that drains resources from this Congress do you not understand?

Shamefully, the House will not have an opportunity to vote on the Hastings-Menendez independent Katrina commission legislation, because Republicans have blocked us from offering it. Just as they always do, Republicans block what they cannot defeat.

Despite what Republicans will suggest, today's debate is not about politics. It is about the need for truth to

assure the American people that we all know their needs. For my constituents, it is about the failures of this Congress, and for others it is about the failures in New Orleans and in the States and at the Federal Government. It is about saving lives and rebuilding communities.

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent to temporarily control the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, I just want to make a couple of quick points, and then I will reserve the balance of my time.

I would disagree very strongly with my good friend from Florida about the 9/11 Commission. There were, in fact, many investigations in this Congress about the tragedy that took place on 9/11, the Permanent Select Committee on Intelligence amongst them. We did actually do oversight.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I beg to differ with the gentleman about what the Permanent Select Committee on Intelligence did. I serve on the Permanent Select Committee on Intelligence. The Senate Permanent Select Committee on Intelligence conducted an investigation; the House did nothing.

Mr. COLE of Oklahoma. Reclaiming my time, Mr. Speaker, and I respect the opinion of my good friend from Florida, but I think there was oversight.

But I would actually agree with his fundamental point in the sense that I think oversight is more effectively done by the elected representatives of the people, by the appropriate people who are responsible for implementing the solution. I do not think we should take that model and follow it again here.

I also would suspect that the situation between a deliberate attack on the United States and a natural disaster are very different.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, when Hurricane Katrina came ashore and ravaged the gulf States and the levees in New Orleans, Americans united in their support of those in need and the communities devastated by this terrible disaster. As Katrina passed over the gulf States and in the days that followed, Americans

saw firsthand the devastation and human suffering that resulted. We were also eyewitnesses to the tragedy of hundreds of thousands of people who had escaped the wrath of the terrible storm only to then be stranded in the Superdome, the convention center, or trapped on the roofs, surrounded by rising flood waters with little in the way of food, water, or medical care. Mr. Speaker, we saw and felt the ensuing heartbreak. Mothers became separated from their children, elderly parents were unaccounted for, and siblings were trying to look after each other.

With the passage of time, our outrage and frustration set in. Reporters and the media managed to get to the heart of the disaster; yet there was little sign of our Federal relief efforts. Just as the American people united to aid the victims of Katrina, so too must Congress. Our constituents demand no less. They are more interested in getting answers than pointing fingers. They want to know that we are finding solutions and making recommendations to ensure our responses are never again at a snail's pace.

It is time for Congress, as part of the Federal Government, and therefore an element of the relief response, to shoot straight with the American people. An independent commission, removed from the partisan fray, is better positioned to find answers. Why were we not preparing our responses to Katrina near land? Where was the coordination between Federal, State, and local efforts? There are many questions that must be answered and an independent commission is a means that can provide the answers.

□ 1115

We saw the successful implementation following the tragedy of September 11, and following this model Congress will reassure the American people the answers that the independent commission finds and the recommendations they make are ones in which the Nation can trust.

I know my constituents are closely following this. My hometown of Sacramento lies in a floodplain at the confluence of two great rivers and faces the constant threat of floods. If we find ourselves in dire circumstances, can my constituents be assured that they can count on prompt Federal Government response?

This is not a blame game. I am not interested in pointing fingers, nor are the American people. They are more interested in identifying areas of weakness and making the necessary improvements. This is about preventing another tragedy similar to what we witnessed in New Orleans and the gulf States. We must ensure that the Federal Government does its job of protecting the American people, and with an independent commission we will do so.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from

Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

(Mr. THOMPSON of Mississippi asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in opposition to House Resolution 437. This resolution puts a partisan congressional committee in charge of the investigation.

The rule that has been offered does not allow for meaningful debate. It also does not allow for an amendment offered by the gentleman from Florida (Mr. HASTINGS) that would create an independent commission to investigate this catastrophe. I am also an original cosponsor of that amendment. Letting Congress investigate the government failures of Hurricane Katrina is like letting the fox guard the hen house. We are not protecting what we need to protect, and there will be a lot more questions than answers in the end.

More than ever, the last 2 weeks have shown that we need an independent assessment of what happened. Where did the Federal Government go wrong? What could the State and locals have done better? What happened to citizens' preparedness?

In my role as ranking member of the Committee on Homeland Security, I have looked for answers and have tried to put together a timeline of events. I am submitting with my statement today for the RECORD a timeline that the staff of the committee has put together for me showing what happened compiled from public sources. This document shows the complexity of the issues and the need for an independent assessment of what happened.

I do not understand the opposition from the other side of the aisle against creating an independent commission that the American people have asked for. It was done, with opposition from Republicans, after 9/11; it was done after Pearl Harbor; and after the Khobar Towers terrorist attacks. We have always had it. Indeed, the type of commission proposed by the gentleman from Florida (Mr. HASTINGS) and others has historically been used after large events that affect the country. Why not here? What does Congress want to protect? What is Congress trying to hide?

After 9/11, Congress did the right thing. On September 20, they sent the largest contingent ever to travel to New York City to view the devastation of the World Trade Center and console the families of the victims. It has been nearly 3 weeks since Hurricane Katrina hit the gulf Coast, and there have been no official congressional delegations to the region.

Mr. Speaker, what do we have to hide? Indeed, I have twice requested the Committee on Homeland Security to travel to the area and was refused. I was told that it did not make good sense for Congress to go down and conduct oversight and fact-finding missions at the time. Yet we went to New

York, but now we cannot go to my area of the country. the Nation, let us put aside partisan politics and not create a strawman committee. I encourage a vote against the rule so we can consider the independent commission option, give it a vote and let the American people know we are listening to their requests.

Now we want Congress to take charge of this investigation. For the good of

**Katrina Timeline: A History of Federal Government Failures**

*Prepared by the Democratic Staff of the House Committee on Homeland Security for Ranking Member Bennie G. Thompson  
(updated w/ materials known as of 9-12-05)*

<u>DATE</u>	<u>FACTS</u>	<u>AVAILABLE WARNINGS OR INFORMATION</u>	<u>FEDERAL GOVERNMENT FAILURES</u> <i>(italics highlight violations of guidelines and/or a failure to adhere to planning scenarios)</i>
Tues, Aug. 23	<p>The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification."<sup>1</sup></p> <p>The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification."</p>		<p>Three weeks before Katrina struck, state emergency managers warned Department of Homeland Security Secretary Michael Chertoff and his deputy, Michael Jackson, that the Federal Emergency Management Agency (FEMA) had focused too much on terrorism, warning that the shift away from disaster management had left the agency less able to respond to natural disasters.<sup>2</sup></p>
Wed, Aug. 24	<p>Tropical Depression 12 strengthens into Tropical Storm Katrina over the Central Bahamas, and a hurricane warning is issued for the southeastern Florida coast.<sup>3</sup></p>	<p>The National Hurricane Center warns that Tropical Storm Katrina could cross Florida and "re-intensify over the eastern Gulf of Mexico" in the days ahead.<sup>4</sup></p>	<p>As Katrina approached, the person most responsible for directly dealing with its consequences, Michael Brown, the director of FEMA, had no disaster-related experience prior to joining the agency as a Deputy Director in 2001. His previous position was as the head of the commissioner of judges and stewards for the International Arabian Horse Association, a breeders' and horse-show organization based in Colorado. According to the President of the Association, Brown was asked to resign from his position after 11 years working there due to disputes over supervision failures. Brown was a college friend of the previous head of FEMA, Joseph Allbaugh, who had served as President Bush's campaign manager in the 2000 election.<sup>5</sup></p>

DATE	FACTS	AVAILABLE WARNINGS OR INFORMATION	FEDERAL GOVERNMENT FAILURES <i>(italics highlight violations of guidelines and/or a failure to adhere to planning scenarios)</i>
Thurs, Aug. 25	<p>4 p.m.: Katrina officially becomes a Category 1 hurricane, according to the National Hurricane Center.<sup>7</sup></p> <p>7 p.m.: Lumbering ashore in south Florida, Katrina causes nine deaths and kills power to more than 1.2 million people.<sup>8</sup></p> <p>11 p.m.: Hurricane Katrina came ashore with 80 mph winds between Hallandale Beach and North Miami Beach. Despite being over land for more than four hours, Katrina's maximum sustained winds are still being clocked at 75 mph.<sup>9</sup></p> <p>Gov. Jeb Bush declares a state of emergency in</p>	<p>Katrina is forecast to be "a dangerous hurricane in the northeastern Gulf of Mexico in about three days."<sup>11</sup></p>	<p>In comparison, the Clinton-era FEMA Director, James Lee Witt, headed the Arkansas office of emergency services before he was tapped by Clinton in 1993 to run FEMA.<sup>6</sup></p> <p>The top two aides at FEMA most responsible for assisting Mr. Brown, acting deputy director Patrick Rhode and acting deputy chief of staff Brooks Alshuler, both lacked emergency management experience before being appointed to their positions. In fact, both individuals had worked in the White House's Office of National Advance Operations, which arranges the president's travel and scripts his appearances.<sup>12</sup></p> <p>In comparison, Clinton-era FEMA Director Witt's top to aides both ran regional FEMA offices for at least three years before assuming senior positions with the agency in Washington.<sup>13</sup></p>

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Friday, Aug. 26	<p>Florida.<sup>10</sup></p> <p>5 a.m.: After weakening briefly to a tropical storm, Katrina regains hurricane status and moves on to the Gulf of Mexico.<sup>14</sup></p> <p>11:30 a.m.: The hurricane is upgraded to Category 2, with the storm's feeder bands continuing to pound the lower Florida Keys.<sup>15</sup></p> <p>4 p.m.: The National Hurricane Center warns that Katrina is expected to reach dangerous Category 4 intensity before making landfall in Mississippi or Louisiana.<sup>16</sup></p> <p>Hours later, in anticipation of a possible landfall, Louisiana Gov. Kathleen Blanco declares a state of</p>	<p>Katrina is forecast to move directly over the warm loop current of the Gulf of Mexico, "which is like adding high-octane fuel to the fire."<sup>20</sup></p> <p>Forecasters say that the storm could make landfall anywhere from the Florida Panhandle to New Orleans as early as Monday, possibly as a Category 4 storm.<sup>21</sup></p>	<p>Even as it make efforts to prepare to respond to the storm, FEMA works with much reduced resources. Since joining the Department of Homeland Security in 2003, FEMA's core budget, which includes disaster preparedness and mitigation, has been cut each year. Depending on the final budget for Fiscal Year 2006, the cuts will have been between 2% and 18%. As a result of the cuts, FEMA staff have been reduced by 500 positions to 4,735. Additionally, FEMA eliminated 1 of its 3 emergency management teams, which are charged with overseeing relief efforts in a disaster.<sup>22</sup></p> <p>Additionally, the Government Accountability Office found that the Bush Administration has sought to spend far more on terrorist preparedness than natural disaster preparedness: "Almost 3 of every 4 grant dollars appropriated to DHS for first responders in fiscal year 2005 were for 3 primary programs that had an explicit focus on terrorism... For fiscal year 2006, the Administration has proposed spending almost \$3.4 billion for homeland security preparedness grants, continuing DHS's emphasis on terrorism and spending about 3 of every 4 dollars or about \$2.6 billion for terrorism-focused grant programs."<sup>23</sup></p>

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Sat, Aug. 27	<p>emergency.<sup>17</sup></p> <p>In declaring a state of emergency, Gov. Blanco requests additional forces from the federal government.<sup>18</sup></p> <p>Gov. Barbour of Mississippi declares a state of emergency.<sup>19</sup></p> <p>Katrina is upgraded to a Category 3, or major hurricane,<sup>24</sup> and a hurricane warning is issued for Louisiana's southeastern coast, including New Orleans and Lake Pontchartrain, and for the northern Gulf coast.<sup>25</sup></p> <p>During the day, residents of Louisiana's low-lying areas are told they must evacuate; residents in other low-lying areas are urgently advised to do so.<sup>26</sup></p> <p>President Bush declares a state of emergency in</p>	<p>Max Mayfield, director of the National Hurricane Centre says: "I've been here 33 years, and we've always been concerned about New Orleans. I had to let the mayor know that this storm has the potential not only to cause large property damage, but large loss of life if people don't make the right decision."<sup>136</sup></p> <p>Chris Sisko, a meteorologist at the Centre, says of New Orleans: "With them sitting well below sea level, this is a potential set up for a catastrophic event that has never been seen before."<sup>137</sup></p> <p>Katrina is now a Category 3 hurricane on the Saffir-Simpson scale and Katrina is expected to make "landfall in southeastern Louisiana in 48-60 hours."<sup>138</sup></p> <p>Forecasters warn of "storm surge flooding of 15 feet above normal tide levels... Locally as high as 25 feet along with large and dangerous battering waves."<sup>139</sup></p>	<p>On August 27 — two days before Katrina hit — President Bush issued an order that "<b>authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts.</b>" The order specifies that "FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency."<sup>140</sup></p> <p>➤ Jane Bullock, former FEMA chief of staff, said, "<b>The moment the president declared a federal disaster, it became a federal responsibility....</b> The federal government took ownership over the response."<sup>141</sup></p> <p>➤ Bullock's view is consistent with the DHS website, which states plainly, "<i>In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility ... for ensuring that emergency response professionals are prepared for any situation. This will entail providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery</i></p>

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	<p>Louisiana.<sup>27</sup></p> <p>Gov. Haley Barbour declares a state of emergency in Mississippi.<sup>28</sup></p> <p>Highways leading out of New Orleans are filled with bumper-to-bumper traffic. Several major interstates are converted to one-way routes away from the city.<sup>29</sup></p> <p>A total of eleven people die in Florida due to Katrina.<sup>30</sup></p> <p>New Orleans Mayor Ray Nagin declares a state of emergency and urges residents in low-lying areas to evacuate.<sup>31</sup></p> <p>A mandatory evacuation is ordered for Hancock County, east of New Orleans on the Mississippi Gulf Coast.<sup>32</sup></p>		<p><i>effort</i><sup>142</sup></p> <p>Under Section 5170b(c)(1) of the Stafford Act, 42 USC § 5121, once an area reaches a state where it may ultimately qualify for certain disaster assistance, at the Governor's request, the president can send Department of Defense military units to the area "for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property." However, major numbers of DOD ground troops did not arrive in New Orleans until a much later date.</p> <p><b>President Bush's weekly radio address concentrates on Gaza withdrawal and the Iraqi Constitution. He neglects to mention Hurricane Katrina.</b><sup>43</sup></p>

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	<p>11:00 p.m.: The National Hurricane Center issues a hurricane warning from Morgan City, Louisiana, to the Alabama-Florida border, an area that includes New Orleans. A warning means that hurricane conditions are expected within the warning area within the next 24 hours.<sup>33</sup></p> <p>Mayor Ray Nagin of New Orleans advises people to leave the city: "Ladies and gentlemen, this is not a test. This is the real deal. Do all things you normally do for a hurricane but treat this one differently because it is pointed towards New Orleans."<sup>34</sup></p> <p>Gov. Blanco asks the federal government to declare an emergency and help save lives and property.<sup>35</sup></p>		

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Sun, Aug. 28	<p>2:00 a.m.: The storm strengthens to Category 4 with 145-mph winds.<sup>44</sup></p> <p>7:00 a.m.: Hurricane Katrina intensifies to Category 5, the worst and highest category on the Saffir-Simpson scale with winds near 160 mph and growing.<sup>45</sup></p> <p>10:00 a.m.: As Katrina hits 175 mph winds; New Orleans Mayor Ray Nagin orders mandatory evacuations as the storm seems to beat a direct path to the city.<sup>46</sup></p> <p>Alabama Governor Bob Riley declares a state of emergency.<sup>47</sup></p> <p>Lines form at gas stations and outside the Superdome, which takes in thousands of refugees.<sup>48</sup></p> <p>From his Texas ranch,</p>	<p>A 4pm hurricane warning says: "Maximum sustained winds are near 165mph with higher gusts. Katrina is a potentially catastrophic category five hurricane..."<sup>52</sup></p> <p>Based on the size and track of the storm, computer models predict flooding across parts of the New Orleans.<sup>53</sup></p> <p>Ivor van Heerden, director of the Louisiana State University Public Health Research Centre, says: "This is what we've been saying has been going to happen for years... Unfortunately, it's coming true." New Orleans "is definitely going to flood."<sup>54</sup></p> <p>Jeff Hingle, Plaquemines Parish Sheriff, refers to Hurricane Betsy, a category two hurricane that struck Louisiana in 1965: "After Betsy these levees were designed for a category three... These levees will not hold the water back."<sup>55</sup></p> <p>Some of those unable or unwilling to leave New Orleans spend the night in shelters—including the Superdome.<sup>56</sup> Approximately 30,000 evacuees gather at the Superdome with roughly 36 hours worth of food.<sup>57</sup></p> <p>Now a Category 5 hurricane, Katrina "is a large hurricane that will affect a large area... Preparations should be rushed to completion."<sup>58</sup></p>	<p>According to the general in charge of Joint Task Force Katrina, Louisiana and other states began asking for additional National Guard troops on Sunday, August 28.<sup>59</sup> Yet, these troops do not arrive in large numbers until substantially later in the week. (note: The National Guard's Timeline for response to Katrina claims that LA and MS requested additional forces on August 31, not August 28).<sup>60</sup></p> <p>Although thousands of New Orleans residents had no cars with which to leave New Orleans before or after Katrina struck, when asked about the estimated thousands of deaths in the city, in an interview on 9/1, FEMA Director Brown, said, "Unfortunately, that's going to be attributable to a lot of people who did not heed advance warnings."<sup>61</sup></p>

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	<p>the president declares a state of emergency for Mississippi, Florida and Alabama.<sup>49</sup></p> <p>FEMA sends water, food and other supplies to staging centers in Georgia and Texas.<sup>50</sup></p> <p>President Bush urges people to heed evacuation orders and holds a teleconference with disaster management officials.<sup>51</sup></p>		
<p>Mon. Aug. 29</p>	<p>4 a.m.: Hurricane Katrina is downgraded to a strong Category 4 storm.<sup>62</sup></p> <p>6 a.m.: Weather report warns of storm surges of 28ft and says: "Extremely dangerous category four Hurricane Katrina preparing to move onshore near southern Plaquemines Parish, Louisiana... <b>Some levees in the Greater New Orleans area</b></p>		<p><b>On the same day Katrina strikes, President Bush calls Secretary Chertoff from Air Force One to talk with him about immigration issues.<sup>81</sup> He also shares a birthday cake photo-op with Senator John McCain.<sup>82</sup> In the morning he visits an Arizona resort to promote Medicare drug benefits,<sup>83</sup> and in the afternoon he goes to a California senior center for a similar discussion.<sup>84</sup></b></p> <p>About 5 hours after Katrina makes landfall, FEMA Director Brown sent a memo to Mr. Chertoff asking for permission to send at least 1,000 additional DHS employees to the hurricane impact area. According to the Associated Press, "Before then, FEMA had positioned smaller rescue and communications teams across the Gulf Coast. But officials acknowledged the first department-wide appeal for help came only as the storm raged." Mr. Brown's Memo acknowledges that it may take 48 hours to get the 1,000 employees to the area, and another 7</p>

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	<p>could be <b>overtopped.</b><sup>63</sup></p> <p>7 a.m.: Katrina makes landfall on the Louisiana coast between Grand Isle and the mouth of the Mississippi River.<sup>64</sup></p> <p>11 a.m. Katrina makes another landfall near the Louisiana-Mississippi state line with 125 mph winds.<sup>65</sup></p> <p>Late in morning the 17<sup>th</sup> Street Canal levee is breached, leading to the flooding of a "vast swath of central New Orleans."<sup>66</sup> <b>The Times-Picayune headline on the breach (published the next day) read: "Catastrophic Storm Surge Swamps 9<sup>th</sup> Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City."</b><sup>67</sup></p> <p>By the end of the day,</p>		<p>days to get 2,000 more employees to the area. According to a DHS spokesman, "[i]nstead of rescuing people or recovering bodies, these employees would focus on helping victims find the help they needed." Mr. Brown's memo also told employees that they would be expected to "convey a positive image of disaster operations to government officials, community organizations and the general public."<sup>85</sup></p> <p>The DHS spokesman explained that the 48 hour waiting period was needed because the employees had to obtain training before they were sent to the area.<sup>86</sup></p> <p>Mr. Brown's memo also stated: "We will want to identify staff with specialized skills such as bilingual capabilities, Commercial Driver's License (CDL), and logistics capabilities."<sup>87</sup></p> <p>On 9/29, Mr. Brown also reminds fire and rescue services outside Louisiana, Mississippi and Alabama not to send in emergency workers unless they are specifically requested.<sup>88</sup> Yet over the next few days FEMA reportedly turned down vital assistance, including the following examples:</p> <ul style="list-style-type: none"> <li>➤ Days before Katrina struck, Chicago drew up a list of resources it could provide in the event of a disaster, including 100 police officers, 36 fire department personnel, 8 emergency medical health experts, more than 130 public health staffers, 140 sanitation staffers, dozens of trucks, and two boats. As of late last week, FEMA had requested only one thing from Chicago—a single tanker truck.<sup>89</sup></li> <li>➤ 500 Floridian airboaters were ready to help rescue people stranded in flooded homes, but FEMA turned them down.</li> </ul>

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	<p>two major flood-control levees are breached, and the National Weather Service reports "total structural failure" in parts of New Orleans. A section of the roof of the Louisiana Superdome, where 10,000 people are taking refuge, opens. Many are feared dead in flooded neighborhoods still under as much as 20 feet of water.<sup>68</sup></p> <p>In Mississippi, dozens are dead and Gov. Haley Barbour describes "catastrophic damage" along the coast. More than 1.3 million homes and businesses in Louisiana, Mississippi and Alabama were without electricity, according to utility companies.<sup>69</sup></p> <p>President Bush makes emergency disaster declarations for</p>	<p>Max Mayfield, director of the National Hurricane Center, said FEMA Director Brown and other top federal officials were briefed as much as 32 hours in advance of landfall that Hurricane Katrina's storm surge was likely to overtop levees and cause catastrophic flooding. "They knew that this one was different," Mayfield said.<sup>77</sup></p> <p>According to CNN, "Reuters reported that in 2004, more than 40 state, local and volunteer organizations practiced a scenario in which a massive hurricane struck and levees were breached, allowing water to flood New Orleans. Under the simulation, called 'Hurricane Pam,' the officials 'had to deal with an imaginary storm that destroyed more than half a million buildings in New Orleans and forced the evacuation of a million residents.'<sup>77,78</sup></p> <p>In 2002, the New Orleans Times-Picayune ran a 5-part series exploring the vulnerability of the city to a hurricane, including specifically the possibility of levees breaching and causing massive floods.<sup>79</sup></p> <p>A catastrophic flood triggered by a hurricane hitting New Orleans was one of 3 disaster scenarios considered most likely to hit the U.S. by a 2001 FEMA report.<sup>80</sup></p>	<ul style="list-style-type: none"> <li>➤ 20 sheriff's deputies from Loudoun County, VA were turned down by FEMA.</li> <li>➤ FEMA would not permit the Jefferson Parish president to accept 3 tanker trucks of water donated by Wal-Mart, as well as 1,000 gallons of diesel fuel stored in a nearby Coast Guard vessel.</li> </ul> <p>In a press conference later in the week, DHS Secretary Chertoff said that <b>the levee breach that flooded New Orleans was a "perfect storm" that "exceeded the foresight of planners,"</b> who did not expect both a powerful hurricane and a breach of levees that would flood New Orleans. He added that authorities assumed that "there would be overflow from the levee, maybe a small break in the levee. The collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."<sup>80</sup></p> <ul style="list-style-type: none"> <li>➤ However, "<i>The National Planning Scenario 10: Natural Disaster—Major Hurricane,</i>" which was used by DHS to determine what level of preparedness state, local and federal entities needed for certain disasters, included the planning assumption that the <b>"20-foot storm surge has breached and overtopped flood control and hurricane protection works."</b><sup>81</sup></li> <li>➤ Additionally, <i>National Planning Scenario 10</i> included the planning assumption that <b>"Major portions of the MMA [major metropolitan area] become flooded."</b><sup>82</sup></li> </ul> <p>Furthermore, according to the Los Angeles Times, Lt. Gen. Carl Strock, the Corps commander, conceded on 9/3 that the government had known the New Orleans levees could never withstand a hurricane higher than a Category 3. Corps officials shuddered, he said, when they realized that Katrina was barreling down on the Gulf Coast with the vastly greater</p>

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	<p>Louisiana and Mississippi, freeing up federal funds.<sup>70</sup></p> <p>Officials estimate 80 percent of New Orleans residents obeyed the order to evacuate. The Coast Guard rescues 1,200 people from the flood waters.<sup>71</sup></p> <p>At least eight Gulf Coast refineries shut down or reduce operations.<sup>72</sup></p> <p>Airports close in New Orleans, Baton Rouge, La., Biloxi, Miss., Mobile, Ala., and Pensacola, Fla.</p>		<p>destructive force of a Category 5 — the strongest type of hurricane. Washington, he said, had rolled the dice.<sup>53</sup></p> <p>Rather than come up with the extra millions of dollars needed to make the city safer, officials believed that such a devastating storm was a small probability and that, with the level of protection that had been funded, "99.5% of the time this would work." Unfortunately, Strock said, "we did not address the 0.5%."<sup>54</sup></p> <p>Additionally, since President Bush took office in 2001, his yearly flood control budgets have asked for \$166 million for Louisiana flood control projects, even though local flood control officials and Senator Landrieu (D-LA) have asked for just short of \$500 million. While Congress did not fully meet needs, it disagreed with President Bush and provided about \$250 million.<sup>55</sup></p> <p><i>The overwhelming problems that occurred at a major shelter such as the Superdome should have also been prepared for, as National Planning Scenario 10 included the planning assumption that "[s]helters throughout the region are also filled to capacity."<sup>56</sup></i></p> <p><i>National Planning Scenario 10 also included the planning assumption that evacuation routes would close: "All transportation routes are damaged to some degree, and the port facility has also been adversely affected."<sup>57</sup></i></p>

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	<p>Hundreds of flights are canceled or diverted.<sup>73</sup></p> <p>Carlos Gutierrez, the Commerce Secretary, calls to congratulate the National Hurricane Centre on its accurate forecasting. "If that is not a superb forecast, I don't know what is," says Mayfield, the centre's director.<sup>74</sup></p> <p>Gov. Blanco repeats a warning not to re-enter New Orleans and tells President Bush, "I need everything you got."<sup>75</sup></p> <p>Mayor Nagin orders the police to begin search and rescue operations in heavily flooded areas.<sup>76</sup></p>		
Tues, Aug. 30	<p>10:00 a.m.: Katrina becomes a tropical depression about 25 miles south of Clarksville, Tenn.<sup>98</sup></p> <p>6:00 p.m.: Death toll in Biloxi-Gulfport area of Mississippi exceeds</p>		<p>Despite the fact that the 17<sup>th</sup> Street Canal levee broke on Monday morning in a way that was so obvious that Times-Picayune reporters were able to research and write an extensive story on the large-scale flooding (see facts above),<sup>114</sup> Secretary Chertoff was unaware of that breach until Monday night or Tuesday morning. In a "Meet the Press" interview on 9/4, he said: "It was on Tuesday that the levee-- may have been overnight Monday to Tuesday--that the levee started to break. And it was midday Tuesday that I became</p>

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	<p>100. Alabama reports two fatalities.<sup>99</sup></p> <p>More than 12,000 people are in the Superdome.<sup>100</sup></p> <p>Louisiana Governor Kathleen Blanco says everyone still in New Orleans - an estimated 50,000 to 100,000 people who remained during the hurricane - must be gotten out.<sup>101</sup></p> <p>Rescuers in helicopters and boats pick up hundreds of stranded people in New Orleans, and reports of looting emerge.<sup>102</sup></p> <p>The New Orleans international airport is reopened for relief flights.<sup>103</sup></p> <p>Mayor Nagin estimates that 80 percent of the city is underwater.<sup>104</sup></p> <p>New Orleans is left with no power, no</p>	<p>Severe looting reported throughout the day. A New Orleans Councilwoman said: "The looting is out of control. The French Quarter has been attacked. We're using exhausted, scarce police to control looting when they should be used for search and rescue while we still have people on rooftops." Senator Landrieu witnesses looting while flying in a helicopter over the city. A tourist says "It's downtown Baghdad."<sup>112</sup></p>	<p>aware of the fact that there was no possibility of plugging the gap and that essentially the lake was going to start to drain into the city. I think that second catastrophe really caught everybody by surprise."<sup>115</sup></p> <p><b>Rather than taking over hurricane recovery efforts, President Bush speaks in the morning at the Naval Air Base in San Diego to commemorate the anniversary of V-J Day, though he does briefly discuss Katrina's impact.<sup>116</sup> Afterwards, Bush plays guitar with country singer Mark Willis.<sup>117</sup> At the end of the day, Bush returns to Crawford, Texas for one more night of vacation.<sup>118</sup></b></p> <p>A Pentagon spokesman says that although 6,000 National Guard personnel from Louisiana and Mississippi who would otherwise be available to help deal with the aftermath of Hurricane Katrina are in Iraq, the states have adequate National Guard units to handle the hurricane needs. He claims there are 6,500 available in LA, 7,000 in MS, 10,000 in AL, and 8,200 in FL, along with 1,600 Guard troops near Atlanta who could be sent if necessary.<sup>119</sup> Yet security remains unstable in New Orleans until much later in the week.</p> <p>The U.S. military starts to move ships and helicopters to the region at the request of the Federal Emergency Management Agency.<sup>120</sup> The Pentagon announces it will send five ships, though four are several days away.<sup>121</sup></p> <ul style="list-style-type: none"> <li>➤ FEMA and the Navy's failures to better pre-positioning ships - or at least dispatch them earlier - violate two key principals in the National Response Plan, which state:             <ul style="list-style-type: none"> <li>○ "Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRP/CLA establishes</li> </ul> </li> </ul>

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	<p>drinking water, dwindling food supplies, and fires - and steadily rising waters from major levee breaches.<sup>105</sup></p> <p>In Mobile, Alabama, the storm pushed water from Mobile Bay into downtown, submerging large sections of the city.<sup>106</sup></p> <p>The New Orleans city government regrouped in Baton Rouge.<sup>107</sup></p> <p>About 40,000 people are in American Red Cross shelters, not including those in New Orleans Red Cross Shelters.<sup>108</sup></p> <p>White House announces President Bush will cut short his 5 week vacation and return to White House on Wednesday, August 31.<sup>109</sup></p>	<p>New Orleans city hospitals flood.<sup>113</sup></p>	<p><i>protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/ required to save lives and contain incidents.</i><sup>1422</sup></p> <ul style="list-style-type: none"> <li>○ <i>‘Federal support must be provided in a timely manner to save lives, prevent human suffering, and mitigate severe damage. This may require mobilizing and deploying assets before they are requested via normal NRP protocols.’<sup>423</sup></i></li> </ul> <p><i>National Planning Scenario 10 included the planning assumption that “Many hospitals have sustained severe damage and those that are open are overwhelmed.”<sup>1124</sup></i></p>

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Wed, Aug. 31	<p>Governors from Louisiana, Alabama and Mississippi have called up 7,500 troops.<sup>110</sup></p> <p>Mayor Nagin evacuates the city government to Baton Rouge.<sup>111</sup></p>	<p>Senator Landrieu, who was on the scene in Louisiana, found that just like on 9/11/01, first responders in New Orleans and other affected areas were unable to communicate with each other or city leaders. By Wednesday, she described the situation as follows: "A police chief in a city talking to a mayor in a city wasn't happening while this was going on because their cellphones were down and their radios didn't communicate."<sup>141</sup></p>	<p><i>The National Response Plan (NRP) recognizes that the Department of Homeland Security has special responsibilities when there are catastrophic circumstances, such as the problems Senator Landrieu witnesses. These catastrophic circumstances include those with "significant disruption of the area's critical infrastructure, such as energy, transportation, telecommunications, and public health and medical systems."<sup>144</sup></i></p> <p><i>National Planning Scenario 10 included planning assumptions about the difficulty of conducting effective rescues: "Hundreds of people are trapped and require search and rescue. Until debris is cleared, rescue operations are difficult because much of the area is reachable only by helicopters and boats."<sup>145</sup></i></p> <p><i>Under National Planning Scenario 10, damage to critical infrastructure sectors was expected and therefore efforts should have been underway immediately to assess damage to communications and other vital systems: "Wind and downed trees have damaged nearly all of the electric transmission lines within the MMA. Most communications systems within the impacted area are not functioning due to damage and lack of power."<sup>146</sup></i></p>

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	<p>Looting grows dramatically, with people using a forklift to smash into one pharmacy.<sup>129</sup></p> <p>Military transport planes carry seriously ill and injured patients to Houston.<sup>130</sup></p> <p>New Orleans pump stations are all offline.<sup>131</sup></p> <p>FEMA has deployed 39 medical teams to set up field hospitals under tents, and mobilized 1,700 trailer trucks.<sup>132</sup></p> <p>U.S. Health and Human Services Secretary Mike Leavitt declares a federal health emergency throughout the Gulf Coast, sending in medical supplies and workers.<sup>133</sup></p> <p>The entire region is declared a public health emergency amid fears of diseases that could</p>	<p>At 11:09 pm the Times-Picayune posts a story stating that there are “3,000 or more evacuees stranded at the convention center—and with no apparent contingency plan or authority to deal with them[.]” The report describes a “steady stream of often angry or desponded people” who “trickled” towards the convention center. Some had been there since Tuesday morning “but had received no food, water or instructions.”<sup>142</sup></p> <p>Conditions continue to deteriorate at the Superdome: “A 2-year-old girl slept in a pool of urine. Crack vials littered a restroom. Blood stained the walls next to vending machines smashed by teenagers.... ‘We pee on the floor. We are like animals,’ said Taffany Smith, 25, as she cradled her 3-week-old son, Terry.... By Wednesday, it had degenerated into horror.... At least two people, including a child, have been raped. At least three people have died, including one man who jumped 50 feet to his death, saying he had nothing left to live for. There is no sanitation. The stench is overwhelming.”<sup>143</sup></p>	<p>FEMA does not learn about the convention center evacuees until Thursday.<sup>147</sup></p> <p>Although there are 500 National Guard troops patrolling the Superdome, they have “limited resources and no infrastructure,” who are “living like [the evacuees] are living.”<sup>148</sup></p> <p>➤ <i>Secretary Chertoff’s inability to supply basic medical, nutritional and other emergency needs for the evacuees in the Superdome and elsewhere demonstrates a failure to follow the National Response plan, which states: Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRP/CLA establishes protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents.</i><sup>149</sup></p> <p>FEMA Director Brown says the storm caused the kind of damage the agency was expecting and that plans were in place: “That category four hurricane caused the same kind of damage that we anticipated. So we planned for it two years ago. Last year, we exercised it. And unfortunately this year, we’re implementing it.”<sup>150</sup></p> <p>Secretary of State Condoleezza Rice attends a Broadway show in New York (and is booed there for failing to attend to Katrina matters).<sup>151</sup></p> <p>Secretary Chertoff holds news conference, where he says that</p>

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	<p>spread because of the contaminated, stagnant water.<sup>134</sup></p> <p>Evacuations from the Louisiana Superdome to the Houston Astrodome begin. About 20,000 people are expected to be transferred from New Orleans to the Astrodome in Houston, TX. The first busloads of victims leave the Superdome for the Astrodome in Houston, more than 135 miles away.</p> <p>Governor Blanco asks the White House to send more help.<sup>136</sup></p> <p>The U.S. Army Corps of Engineers estimates it will be at least 30 days or more before New Orleans will be pumped out.<sup>137</sup></p> <p>Five offshore Louisiana oil rigs are reported</p>		<p>he is "extremely pleased by the response."<sup>152</sup></p>

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	<p>missing and two more are adrift.<sup>138</sup></p> <p>President Bush flies over the region on his way back to Washington and convenes a federal task force.<sup>139</sup></p> <p>Gov. Blanco says that everyone must be evacuated from the Superdome within two days and calls for a day of prayer.<sup>140</sup></p>		
Thurs, Sept. 1	<p>Over 200 buses arrive to transport Superdome residents to the Astrodome in Houston, but thousands of newly emerged hurricane victims take their places, with crowds swelling to 25,000.<sup>153</sup></p> <p>New Orleans Mayor Nagin issues a “desperate SOS” asking for help dealing with the lawlessness and devastation in his</p>		<p>In a morning television interview, President Bush says: “I don’t think anybody anticipated the breach of the levees. They did anticipate a serious storm. But these levees got breached. And as a result, much of New Orleans is flooded. And now we are having to deal with it and will.”<sup>174</sup></p> <ul style="list-style-type: none"> <li>➤ However, <i>National Planning Scenario 10 included the planning assumption that the “20-foot storm surge has breached and overtopped flood control and hurricane protection works.”</i><sup>175</sup></li> <li>➤ Additionally, <i>National Planning Scenario 10 included the planning assumption that “Major portions of the MMA [major metropolitan area] become flooded.”</i><sup>176</sup></li> </ul>

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	<p><sup>154</sup>city.</p> <p>President Bush asks Congress for \$10.5 billion in funds.<sup>155</sup></p> <p>Senate and House officials prepare a \$10 billion emergency aid package.<sup>156</sup></p> <p>The death toll in Mississippi hits 126.<sup>157</sup></p> <p>Looting, carjacking and other violence spreads, and the military decides to increase National Guard deployment to 30,000.<sup>158</sup></p> <p>Crowds at the Superdome swell to 30,000, with another 25,000 at the convention centre where conditions continue to deteriorate. Outside the New Orleans Convention Center, the sidewalks are packed with people without food, water or medical care, waiting</p>	<p>According to the New York Times, "chaos and gunfire had hampered efforts to evacuate the Superdome."<sup>169</sup></p> <p>Evacuees report numerous uncollected corpses in the Superdome.<sup>170</sup></p> <p>A tourist stranded at the Ritz Carlton in downtown New Orleans says "[National Guard] are invisible. We have no idea where they are. We hear bits and pieces that the National Guard is around, but where? We have not seen them. We have not seen FEMA officials. We have seen no one."<sup>171</sup></p> <p>Mayor Nagin said: "I continue to hear that troops are on the way, but we are still protecting the city with only 1,500 New Orleans police officers, an additional 300 law enforcement personnel, 250 National Guard troops, and other military personnel who are primarily focused on evacuation."<sup>172</sup></p> <p>Superintendent P. Edward Compass III of the New Orleans Police Department said armed thugs had taken control of the secondary makeshift shelter at the convention center. He added that the criminals repelled 8 squads of 11 officers each that he had sent to secure the place and that rapes and assaults were unimpeded in the neighboring streets as criminals</p>	<p>DHS Secretary Chertoff said in a 9/1 interview that there were "<b>crowd control issues</b>" at the Superdome, but it was "secure."<sup>177</sup></p> <p>FEMA Director Brown says uncollected corpses have "not been reported to me, so I'm not going to comment. Until I actually get a report from my teams that say, 'We have bodies located here or there,' I'm just not going to speculate."<sup>178</sup></p> <p>Secretary Chertoff claims "we have 2,800 National Guard in New Orleans as we speak today."<sup>179</sup></p> <p>Mr. Brown said: "I actually think the security is pretty darn good. There's some really bad people out there that are causing some problems, and it seems to me that every time a bad person wants to scream of cause a problem, there's somebody there with a camera to stick it in their face."<sup>180</sup></p> <p>Secretary Chertoff said there were "<b>isolated incidents of criminality</b>" in New Orleans, even though by that time there were numerous reports of widespread looting, robbery, gunfire, and even rape.<sup>181</sup></p> <p>As late as Thursday, 9/1, DHS Secretary Chertoff said he was unaware that there were thousands of New Orleans residents</p>

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	<p>for buses that do not come.<sup>159</sup></p> <p>Homeland Security Secretary Michael Chertoff announces that another 4,200 National Guard troops trained as military police will be deployed to New Orleans over the next three days.<sup>160</sup></p> <p>Louisiana Gov. Kathleen Blanco requests the mobilization of 40,000 National Guard troops.<sup>161</sup></p> <p>The evacuation of patients from Charity Hospital was halted Thursday after the facility came under sniper fire twice. physician at the hospital said that despite the incidents staff members and patients were eager to get out after three days with no water and electricity and sparse</p>	<p>“preyed upon” passers-by, including stranded tourists.<sup>175</sup></p>	<p>stranded at the convention center who didn't have food or security, even though national news outlets were reporting on the distress of thousands of refugees there.<sup>182</sup></p> <p>FEMA Director Brown admits that <b>the federal government did not know until Thursday that thousands of survivors without food or water had taken shelter at the city's convention center, despite a day of news reports.</b><sup>183</sup> “We learned about that (Thursday), so I have directed that we have all available resources to get to that convention center to make sure they have the food and water and medical care that they need,” he says.<sup>184</sup></p> <p>Mr. Brown also said: “Considering the dire circumstances that we have in New Orleans – virtually a city that has been destroyed – that <b>things are going relatively well.</b>”<sup>185</sup></p> <p>Mr. Brown also says: “I've had no reports of unrest, if the connotation of the word unrest means that people are beginning to riot, or you know, they're banging on walls and screaming and hollering or burning tires or whatever. I've had no reports of that.”<sup>186</sup></p> <p><i>Continuing problems in New Orleans, especially leading up to and after Nagin's "SOS," demonstrate a failure to follow the National Response Plan (NRP). Under the NRP, as the "primary Federal official" for domestic incident management, "the Secretary is also responsible for coordinating Federal resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any of the following four conditions applies: . . . (2) the resources of State and local authorities are overwhelmed[.]”<sup>187</sup></i></p> <p><i>Furthermore, the NRP recognizes that “Standard procedures outlined in the NRP regarding requests for assistance may be expedited or, under</i></p>

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	<p>food rations.<sup>162</sup></p> <p>Doctors at two New Orleans hospitals plead for help, saying their food, water and power are almost gone. Helicopters evacuate up to 600 patients but an estimated 1,500 others are left behind.<sup>163</sup></p> <p>Officials close the Reliant Astrodome in Houston to further New Orleans evacuees shortly before five more busloads arrived. Although the passengers initially were told they would have to re-board the buses and go to Huntsville, officials relented and allowed at least one busload of 67 passengers to stay.<sup>164</sup></p> <p>Elsewhere, 76,000 people are in Red Cross shelters.<sup>165</sup></p> <p>Bush asks his father,</p>		<p><i>extreme circumstances, temporarily suspended in the immediate aftermath of an incident of catastrophic magnitude, pursuant to existing law.</i><sup>168</sup></p> <p>Secretary of State Condoleezza Rice buys several thousand dollars of shoes while shopping in New York City.<sup>169</sup></p> <p>Late in the afternoon on Thursday, 9/11, the Homeland Security Department finally contacts the airline industry to ask for help with evacuating storm victims.<sup>190</sup></p>

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Fri, Sept. 2	<p>and former President Clinton, to lead a fund-raising campaign for victims.<sup>166</sup></p> <p>Texas agrees to take in 75,000 people.<sup>167</sup></p> <p>600 massive sand bags arrive to help shore up the broken levees of New Orleans.<sup>168</sup></p>		
Fri, Sept. 2	<p>10:15 a.m.: Bush lands in Mobile, Ala., to tour affected areas on foot and by air.<sup>191</sup></p> <p>President Bush meets with Mayor Nagin and Gov. Blanco and visits the 17<sup>th</sup> Street Canal breach.<sup>192</sup></p> <p>11:30 p.m.: Houston's Astrodome, which had been accepting busloads of evacuees from New Orleans, has no more room. Buses are diverted to other areas of Texas.<sup>193</sup></p> <p>11:45 p.m.: First</p>		<p>National Guard trucks carrying supplies to the Superdome did not arrive until almost noon on Friday, 9/2---3 and 1/2 days after Katrina struck.<sup>203</sup></p> <p><b>During his tour of hurricane stricken areas, President Bush tells FEMA Director Brown, "Brownie, you're doing a heck of a job."</b><sup>204</sup></p> <p>Bush's tour of Louisiana delays 3 tons of food ready for delivery by air to refugees.<sup>205</sup></p>

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	<p>National Guard trucks arrive with supplies at the Superdome.<sup>194</sup></p> <p>President Bush acknowledges the failure so far of government relief efforts, saying "the results are not acceptable."<sup>195</sup></p> <p>House passes \$10.5 billion for emergency relief, Bush signs it.<sup>196</sup></p> <p>A large convoy of relief supplies arrives at the New Orleans Convention Center.<sup>197</sup></p> <p>Commercial airlines begin flying people out of the city, and the Superdome begins to empty.<sup>198</sup></p> <p>An explosion at a chemical storage facility sends a column of acrid smoke into the sky—other scattered fires break out.<sup>199</sup></p>		

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	<p>Secretary Chertoff announces a total of 6,500 National Guard troops will arrive in New Orleans within 3 days; by day's end, nearly 20,000 National Guard troops are stationed in Louisiana and Mississippi.<sup>200</sup></p> <p>The Houston Astrodome is declared full, and Texas opens up two more centers for people displaced by Katrina.<sup>201</sup></p> <p>Gov. Blanco meets with President Bush, who proposes to assume control of the state's National Guard Forces.<sup>202</sup></p>		
Sat, Sept. 3	<p>President Bush orders 7,200 more soldiers and marines to the Gulf Coast, and the National Guard sends an additional 10,000 as well.<sup>206</sup></p>		<p><b>President Bush personally blames state officials for the Katrina response problems:</b> “[T]he magnitude of responding to a crisis over a disaster area that is larger than the size of Great Britain has created tremendous problems that have strained state and local capabilities. The result is that many of our citizens simply are not getting the help they need.”</p>

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	<p>The last evacuees at the New Orleans' Superdome are evacuated.<sup>207</sup></p> <p>Firefighters battle two fires along the Mississippi River waterfront, where 50-foot flames engulfed an industrial district.<sup>208</sup></p> <p>The Army Corps of Engineers brings in pumps and generators from around the nation to help get New Orleans pumps back on line and bail out the city.<sup>209</sup></p> <p>FEMA says more than 25,000 residents have been evacuated out of the city of New Orleans.<sup>210</sup></p> <p>The U.S. Coast Guard says that since Katrina hit, it has rescued a total of 9,500 people.<sup>211</sup></p> <p>The New Orleans</p>		<p>➤ <i>Yet the National Response Plan (NRP) makes it clear that DHS has substantial Federal responsibilities in a disaster: "The Secretary of Homeland Security is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. HSPD-5 further designates the Secretary of Homeland Security as the "principal Federal official" for domestic incident management."</i><sup>215</sup> Furthermore, the NRP adds that "Notification and full coordination with States occur, but the coordination process should not delay or impede the rapid mobilization and deployment of critical Federal resources."<sup>216</sup></p> <p>➤ <i>Additionally, the NRP recognizes that DHS still has substantial responsibilities when there are catastrophic incidents where "The response capabilities and resources of the local jurisdiction (to include mutual aid from surrounding jurisdictions and response support from the State) may be insufficient and quickly overwhelmed. Local emergency personnel who normally respond to incidents may be among those affected and unable to perform their duties."</i><sup>217</sup></p> <p>Mr. Chertoff says, "There has been, over the last few years, some specific planning for the possibility of a significant hurricane in New Orleans with a lot of rainfall, with water rising in the levees and water overflowing the levees."<sup>218</sup></p>

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	<p>police report that 200 of their 1,500 officers have walked off the job in frustration, and two others have committed suicide.<sup>212</sup></p> <p>The U.S. Labor Department announces an emergency grant of up to \$62 million US, to provide work for dislocated workers in the devastated parts of Louisiana - it's expected the grants will provide as many as 10,000 temporary jobs.<sup>213</sup></p> <p>Gov. Blanco rejects the White House proposal and asks the National Guard to focus on security.<sup>214</sup></p>		
Sun, Sept. 4	<p>Health and Human Services Secretary Michael Leavitt says the death toll from the hurricane will be in the thousands.<sup>219</sup></p> <p>Water and air rescue efforts continue in</p>		

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	<p>New Orleans; the U.S. Coast Guard said it has rescued more than 17,000 people, almost twice as many as it had saved in the previous 50 years combined, but that thousands of people remain stranded.<sup>220</sup></p> <p>A Eurocopter AS 332 Super Puma helicopter flown by a civilian company crashes during rescue operations in New Orleans. No evacuees are aboard, and the pilot and crew are rescued.<sup>221</sup></p> <p>New Orleans Mayor Ray Nagin announces plans to move traumatized police and firefighters out of the city so they can receive medical and psychological treatment.<sup>222</sup></p> <p>Carnival Cruise Lines announces it will cancel</p>		

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	<p>cruises on three of its ships so they can be used to house about 7,000 Katrina victims.<sup>223</sup></p> <p>Governor Kathleen Blanco declares a state of public health emergency, and says the Louisiana death toll will likely be in the thousands.<sup>224</sup></p> <p>Gov. Blanco's staff rebukes the White House, remarking that: "they wanted to negotiate an organizational chart."<sup>225</sup></p> <p>A shelter in Biloxi, Miss., is closed after more than 20 residents fall ill, possibly with dysentery.<sup>226</sup></p> <p>Mayor Nagin begins offering five-day vacations to city emergency workers.<sup>227</sup></p> <p>President Bush visits a Red Cross center and</p>		

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Mon, Sept. 5	<p>orders American flags around the world flown at half-staff until Sept. 20.<sup>228</sup></p> <p>Suburban Jefferson Parish, across the 17th Street Canal from the levee breach that flooded much of New Orleans, begins allowing residents to return temporarily to retrieve their belongings.<sup>229</sup></p> <p>The New Orleans police now say 500 of their officers are unaccounted for, and reinforcements arrive from around the United States.<sup>230</sup></p> <p>The U.S. Army Corps of Engineers finishes patching a levee breach on the 17th Street Canal in New Orleans and announce that they have begun pumping water out of the city's streets.<sup>231</sup></p>		<p>Mr Chertoff tells journalists that Hurricane Katrina was a "breath-taking surprise" and says it was "that perfect storm of a combination of catastrophes [that] exceeded the foresight of the planners, and maybe anybody's foresight."<sup>238</sup></p> <p>Mr Chertoff said that planners were prepared for an "overflow from the levee, maybe a small break in the levee" but "the collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."<sup>239</sup> Mr Mayfield disputes the comments of Mr Chertoff and Mr Brown: "They knew that this one was different. I don't think Mike Brown or anyone else in Fema could have any reason to have any problem with our calls... They were told... We said the levees could be topped."<sup>240</sup></p>

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	<p>President Bush makes his second visit to the stricken region since Katrina struck, meeting with Louisiana Gov. Kathleen Blanco and other officials at the state's relief headquarters in Baton Rouge.<sup>232</sup></p> <p>Former presidents Bush and Clinton announce a fund for victims, similar to the one they spearheaded following the Asian tsunami.<sup>233</sup></p> <p>The U.S. military dispatches 4,700 more active-duty troops to join relief efforts by Tuesday, up from the 2,500 announced Saturday.<sup>234</sup></p> <p>British Petroleum says it has restarted oil production at some of its Gulf of Mexico facilities which had been shut due to the</p>		

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	<p>hurricane.<sup>235</sup></p> <p>South Korea and Australia voice frustration that U.S. relief efforts have prevented them from rescuing their citizens.<sup>236</sup></p> <p>Gov. Blanco is surprised to learn of Mr. Bush's visit while preparing to leave for Houston.<sup>237</sup></p>		
<p>Tues, Sept. 6</p>	<p>Mayor Nagin reissues the mandatory evacuation order.<sup>241</sup></p> <p>With Congress, President Bush announces an inquiry into the federal response and asks for \$51.8 billion in relief aid.<sup>242</sup></p>		
<p>Wed, Sept. 7</p>	<p>Mayor Nagin orders the New Orleans Police to begin removing residents by force.<sup>243</sup></p> <p>President Bush sends Vice President Cheney</p>		

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Thurs, Sept. 8	<p>to join "the blitz of administration officials visiting the region."<sup>244</sup></p> <p>Gov. Blanco says equipment she requested from the federal government a week before had yet to arrive.<sup>245</sup></p> <p>In a short televised speech, the President remarks to hurricane survivors, "The government is going to be with you for the long haul."<sup>246</sup></p>		
Fri, Sept. 9	<p>White House announces President Bush's intention to visit the region for a third time.</p>		

<sup>1</sup> Jonathan Corum and Ben Werschul, The New York Times, September 4, 2005. May be viewed at: [http://www.nytimes.com/packages/html/national/2005\\_HURRICANEKATRINA\\_GRAPHIC/index\\_02.html](http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html).

<sup>2</sup> Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.

<sup>3</sup> Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: [http://www.cbc.ca/news/background/katrina/katrina\\_timeline.html](http://www.cbc.ca/news/background/katrina/katrina_timeline.html).

<sup>4</sup> Jonathan Corum and Ben Werschul, The New York Times, September 4, 2005. May be viewed at: [http://www.nytimes.com/packages/html/national/2005\\_HURRICANEKATRINA\\_GRAPHIC/index\\_02.html](http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html).

<sup>5</sup> Brett Arends, "Brown pushed from last job: Horse group: FEMA chief had to be 'asked to resign,'" Boston Herald, 3 September 2005.

<sup>6</sup> Andrew Zajac and Andrew Martin, "Top FEMA officials have scant experience in disaster management," Chicago Tribune, 6 September 2005.

<sup>7</sup> CNN Hurricane timeline, may be viewed at <http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Florida Prepares for Katrina as Storm Strengthens (Update2), Bloomberg.com, August 26, 2005, may be viewed at: [http://www.bloomberg.com/apps/news?pid=10000087&sid=aWcrw4zNhcGI&refer=top\\_world\\_news](http://www.bloomberg.com/apps/news?pid=10000087&sid=aWcrw4zNhcGI&refer=top_world_news)

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- 12 Andrew Zajac and Andrew Martin, "Top FEMA officials have scant experience in disaster management," Chicago Tribune, 6 September 2005.
- 13 *Id.*
- 14 CNN Hurricane timeline, may be viewed at: <http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameet.exclude.html>.
- 15 *Id.*
- 16 *Id.*
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DATE	FACTS	AVAILABLE WARNINGS OR INFORMATION	FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios)
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228	Jonathan Corum and Ben Werschkul. "Draining New Orleans," <i>New York Times on the Web</i> , 11 September 2005.	< <a href="http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html">http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html</a> > (12 September 2005).	
229	CNN Hurricane timeline, may be viewed at: <a href="http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html">http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html</a>	Updated September 4, 2005, may be viewed at: <a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>	
230	Hurricane Katrina timeline, CBC News Online.	Updated September 4, 2005, may be viewed at: <a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>	
231	9/7/05 BBC Timeline.	Updated September 4, 2005, may be viewed at: <a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>	
232	Hurricane Katrina timeline, CBC News Online.	Updated September 4, 2005, may be viewed at: <a href="http://www.cbc.ca/news/background/katrina/katrina_timeline.html">http://www.cbc.ca/news/background/katrina/katrina_timeline.html</a>	
233	<i>Id.</i>		
234	<i>Id.</i>		
235	<i>Id.</i>		
236	<i>Id.</i>		
237	Jonathan Corum and Ben Werschkul. "Draining New Orleans," <i>New York Times on the Web</i> , 11 September 2005.	< <a href="http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html">http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html</a> > (12 September 2005).	
238	9/7/05 Times Online Timeline.		
239	<i>Id.</i>		
240	<i>Id.</i>		
241	Jonathan Corum and Ben Werschkul. "Draining New Orleans," <i>New York Times on the Web</i> , 11 September 2005.	< <a href="http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html">http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html</a> > (12 September 2005).	
242	Jonathan Corum and Ben Werschkul. "Draining New Orleans," <i>New York Times on the Web</i> , 11 September 2005.	< <a href="http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html">http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html</a> > (12 September 2005).	
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246	Jonathan Corum and Ben Werschkul. "Draining New Orleans," <i>New York Times on the Web</i> , 11 September 2005.	< <a href="http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html">http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html</a> > (12 September 2005).	

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, time and time again here on the floor of the House I hear speeches: "We will never forget 9/11; we will better prepare and defend America."

But the most basic lesson of September 11, where we tragically lost so many first responders in the collapse of the towers, was that they lacked secure interoperable communications. They could not talk and communicate with those first responders, and many died needlessly. We have not learned that most basic of lessons.

In fact, President Bush this year zeroed out Federal assistance to local communities for secure interoperable communications. How quickly some have forgotten, yet they say it will never happen again.

Well, Hurricane Katrina was not a terrorist attack, but the Federal response was worse and degraded from the capabilities that we had on 9/11. On that day, FEMA was a high-functioning, independent, professionally run agency. Today, it is subsumed into this gigantic morass of the homeland security bureaucracy, downgraded to subagency level with a political hack as its director, and most of the professional staff has resigned and gone on to run State management agencies around the country. There are still some good professionals there, but the leadership, appointed by the White House, and the fact it was subsumed in the bureaucracy at the insistence of the Republican majority and the White House, they took away its independent agency status.

We had a vote on the floor to restore its independent agency status. We predicted these problems, but they opposed that amendment. Now they want to investigate themselves. Will the other side of the aisle fess up, like the White House never does, that they were wrong to follow the lead of the White House to downgrade this agency, to politicize it, subsume it in a huge bureaucracy, and that we are less capable than we were on 9/11 to respond to these types of disasters? I think not.

Mr. Speaker, we need an independent agency outside of this highly partisan body. They will not admit to those mistakes. There were certainly mistakes made at the local level, and they will probably highlight those, and those should be rectified, too. But all mistakes should come out, the failings of the Federal Government, the State government, and the local governments, with an independent, non-partisan commission. That would be greatly preferable to this coverup that is going to go on here.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a hard-working member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of House Resolution 437. I think we are completely doing the right thing for the right reasons.

I have heard the other side of the aisle argue that what is the hurry, you are rushing to create an oversight committee and let us wait a couple of months. I want to point out to my friends on the other side of the aisle that we are still in the hurricane season. In fact, we are just getting into the hurricane season, and we need to get this investigation going as soon as possible. It is very important that we not wait. We have a 5-month opportunity to study this problem and find out exactly where the responsibilities lie.

The other side of the aisle also is suggesting that this is a Republican majority investigating a Republican administration. I point out we were not focusing just on the Federal aspects of this, as they would like us to do, but we are also focusing on the local and State aspects of this. There are Democrats and Republicans all up and down the line. This is not a partisan thing. This is a way to do it. This is what Congress has a responsibility to do and has done 41 times over the last 30 or 40 years. I could name any number of instances. My colleagues on the other side of the aisle know that is true.

The creation of an outside independent commission, as they call it, they are calling for doing that and spending an additional \$5 million to \$10 million. We do not need to do that. We have the staff within this Congress on both sides of the aisle, both in the majority and on the minority, and hopefully we would not spend more than \$500,000 to get this work done and get it done in a bipartisan fashion. That is why we call it the Select Bipartisan Committee to Investigate the Preparation for and the Response to Hurricane Katrina. I am fully in support of that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, for so many reasons my colleagues on this side of the aisle have articulated, this resolution should be rejected. Because it is neither bipartisan in terms of its authority, nor bipartisan in terms of its power, nor bipartisan in terms of its subpoena power. That will all rest with the majority.

The question that must be answered is how is it that FEMA, which 5 years ago was a world-class agency that was being praised by Republicans and Democrats alike, by local officials, by governors, by mayors, by the international community, who were coming and visiting and taking lessons from FEMA, how in 5 years was that agency

so incredibly hollowed out that it could not respond to Hurricane Katrina?

This President and this administration made some horrible decisions about putting political hacks and their cronies in charge of the agency that is in charge of the safety of the people of the United States, whether it is western fires, earthquakes, floods, tornadoes or hurricanes. He appointed political hacks. Is he going to investigate that himself, as he says?

This Congress, powerful Members of the Senate and the House, made decisions about using FEMA as a honey pot to take resources out of and divert them elsewhere. The Committee on Appropriations chairmen of both houses, the leadership, the Republican leadership of both houses, are they going to investigate that themselves?

That is like asking Enron to investigate corporate ethics, baseball to investigate steroids, DICK CHENEY to investigate energy policy. It just cannot happen, and the American people know that. That is why, when they are asked on this question, 75 percent of the American people want a 9/11 Commission. They want a 9/11 Commission because they saw that the 9/11 Commission was the only way that the citizens of this country were going to get the answers, not the answers the politicians wanted them to get, and that is what this bipartisan, phony committee is about. They want to give you the answers they want you to get. The citizens want the answers to the questions that they want to ask.

The power in our democracy is with the citizens, and the citizens want a citizens' committee. They want a citizens' committee to answer these questions because the questions are going to have to be asked of a Republican President, a Republican Congress, a Democratic mayor, a Democratic governor, a Republican governor and that simply will not be able to be done.

The President has said he takes responsibility. The question that must be asked is: Did he act responsibly as the President of the United States to protect the people of this country? So far, the question is a resounding, no.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me this time and commend the members of the Committee on Rules for their important work on this subject, particularly the gentleman from Florida (Mr. HASTINGS) who is the author of the legislation, along with the gentleman from New Jersey (Mr. MENENDEZ), the chairman of our caucus, on legislation which will bring truth to this situation, an independent commission, modeled after 9/11, respected by the American people.

Following the tragedy of 9/11, the American people expected and deserved

the truth. People of New York and New Jersey were strong advocates for such a commission. The people in Louisiana and Mississippi and the gulf region are displaced. They are trying to put their lives back together. They have lost their homes, their jobs, their livelihoods, their communities. They really do not have time to lobby Congress for an independent commission.

But our country is grateful to the 9/11 families because they not only gave us that commission to review that terrible tragedy that befell our country, they gave us a tradition of transparency and finding the truth and holding people accountable and hoping to do so in a way that prevents future loss of life.

□ 1130

We endanger the American people when we ignore the truth. So on behalf of the people in the region, I plead with my colleagues in this body to reject any sham committee. Supposedly bipartisan; not so. Supposedly bicameral; not so. One thing we know, it is a vehicle to whitewash, to whitewash, and not have a true look into what went wrong.

There was a natural disaster, a terrible natural disaster in the gulf coast States. It was compounded by a man-made disaster because the Federal response of FEMA fell so very, very short. And FEMA, now its Director has resigned, but FEMA is fraught with problems systemically throughout it.

That does not mean that many, many people who work for FEMA and many people, our first responders, police and fire, health care providers in the area and volunteers from every walk of life did not rise to the occasion. They certainly did, and we commend them for the sacrifice they were willing to make to rescue others in the time of the immediate recovery. But there are so many unanswered questions; and instead of having a sham, why can we not have a real commission to look into this?

So the choice on the floor today, we have heard all of this discussion over and over. The fact is that we should be spending our time figuring out how we are going to help the people of the region rebuild their communities, to create jobs, to educate their children, to rid themselves of the toxic, literally toxic, environment, and that is the situation that they are in there. Instead, we are wasting the public's time on a subject that is unworthy of this tragedy, and it did not have to be.

I certainly respect the congressional role of oversight. We have called for it over and over again, whether it was the war in Iraq or the price gouging at the pump of gasoline for America's consumers, whether it is Abu Ghraib or Guantanamo. Name it. There are so many subjects that this Congress has been delinquent in its duty in doing oversight. So I fully support congressional oversight by the committees of jurisdiction.

In order to expedite help to the region, I suggested to the Speaker that we have a truly bipartisan committee that could streamline how we would go forward. At the time, I intended it just to be on the positive side, and that was early, when Katrina was just hitting, and then when we saw things go wrong, we added the charge that we would see what went wrong. So the idea of this Congress having a role in terms of oversight in a bipartisan special committee is one that I supported. I suggested it.

But what the Republicans came back with was really a slap in the face to the people who were affected in the region. We owe them the truth. Why is this Congress afraid of the truth? Over and over again, Iraq, name it, price at the pump, why is this Congress afraid of the truth? Sometimes it is really important, as we try to find our common ground, we stand our ground where we cannot find that common ground, but we always have to come down in favor of the people, to yield on points. Because we are here to get a job done. Maybe not exactly the way we would want to get it done, but get a job done. So now, today, the Republicans are putting up an obstacle to doing just that.

So I urge my colleagues to honor the sacrifice, the situation, that has affected the people in the region by at least telling them the truth and vote against this committee today, to vote against this committee, to say come back to the drawing board when they want to have honesty in what we are doing. But, first and foremost, we must have a truly independent commission, again, in the manner of the 9/11 Commission that took testimony, that issued a report, that gave transparency and openness to the process and gave some level of truth to the American people.

Because the people in the gulf States, many of them affected are poor and economically disadvantaged and not as sophisticated, perhaps, as some of the people stricken with grief in the New York/New Jersey area at the time of 9/11, and in Pennsylvania and in the Pentagon. Because these people are of a different economic status and because they are living in shelters and the rest and not really able to speak for themselves to the Congress of the United States, we, the House Democrats, will speak for them in asking for the truth and appealing to our Republican colleagues for us to work together in a completely nonpartisan way to help meet their needs.

I know that some Members have visited the region, certainly those affected. The gentleman from Mississippi (Mr. TAYLOR) spoke with such eloquence on the floor yesterday. Senator LANDRIEU, in the Senate last week, brought the Nation to tears with her presentation on what she saw in her beloved State of Louisiana. And the gentleman from Louisiana (Mr. JEFFERSON) has told us firsthand of what he

has seen there. The gentleman from Mississippi (Mr. THOMPSON), our ranking member on the Committee on Homeland Security, spoke from authority in standing on the committee but experience as a Mississippian. They know because they see firsthand.

I could only see secondhand, joining the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. AL GREEN), the gentleman from Texas (Mr. GENE GREEN), going to Houston to meet with the victims of Katrina in the Astrodome and also in the George R. Brown Convention Center. We saw children, little children, adorable little babies that we could hold in our arms, and 90-year-old great grannies, all of them, not the little babies, they did not speak for themselves, but their older siblings said, "We want to go home."

They praised the hospitality, the warmth, the generosity of the people of Houston. And they are to be commended. As I said when I was in Houston, I do not know of any city in America that could have risen to the occasion so quickly and so compassionately as Houston. Mayor White, Judge Eckels, the Commissioner of Harris County; Representative Noriega, so many people in the community came together to help the victims of Katrina. But still, with all of the respect that they extended to their guests, with all the health care, with all the care and feeding, still, of course, there is no place like home.

So let us find out how we can bring these people home. And a good way to have them come home and have confidence in the future that, should another hurricane strike, and we know that it will, that the precautions will have been taken, the accountability will be assigned, and that the people will be protected. We can do that by finding the truth. We can find the truth with the gentleman from Florida (Mr. HASTINGS), the gentleman from New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way in the Senate on this important issue, and we can do it by rejecting this committee.

I stand open and welcome to any cooperation with the Republicans when the Speaker is ready to cooperate on true bipartisanship, true openness, and true accountability to the American people.

With that, I just close again to say that our hopes and prayers are always with the people of the region. It is our resolve that they will be made whole as soon as possible, and that has to be a bipartisan commitment.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I ask for a "no" vote on the previous question so I can amend the rule and allow the House, instead of H. Res. 437, to consider H.R. 3764, which creates an independent 9/11-like commission to investigate the events involving Hurricane Katrina. I offered this amendment in the Committee on Rules last night, but, sadly, it was rejected.

I want to reiterate that 76 percent of Americans in a recent ABC/Washington Post poll preferred that a commission of outside experts, similar in nature to the 9/11 Commission, and, in fact, I wish for the same people, to investigate the devastating events surrounding Hurricane Katrina, and that is not just Democrats that were asked. Sixty-four percent of Republicans in that same poll said they, too, supported an independent commission to investigate the government's preparedness and response effort.

Please vote "no" on the previous question so we can authorize an independent commission that will not be influenced by partisan politics instead of a Republican-controlled committee investigating the failings of a Republican-controlled administration. Too many people's lives were turned upside down because of the failure of governmental officials to adequately prepare for and respond to the impact of Hurricane Katrina. Let us not fail them a second time.

I urge a "no" vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, as we deal with this great challenge, one cannot help but think back to the days following one of the most tragic events in our Nation's history, that being, of course, the attacks on the World Trade Center, flight 93 going down in Pennsylvania and, of course, the plane hitting the Pentagon. We all know that, following that tragedy, Democrats and Republicans came together. They came together committed to ensuring that we would never see the kind of terrorist threat that happened on September 11 hit the United States or our allies or anyone in the world again. And that really embarked us upon this massive global War on Terror, and that has been the focus of the Federal Government. We know that the top priority on September 11, 2001, became this bipartisan goal of trying to deal with the global War on Terror.

Mr. Speaker, I am very proud of the Democrats in this House who have come together in a bipartisan way to work with Republicans in our shared goal of winning the global War on Terror. It is an important struggle, and it is one which many say will last beyond our lifetimes, but I am convinced that Democrats and Republicans will continue to work together to ensure that we win that global War on Terror.

We know that 2½ weeks ago we faced another kind of disaster. It was a nat-

ural disaster that hit our fellow Americans, our fellow citizens, on the gulf coast. And we know that, as we sit here today, another hurricane, Hurricane Ophelia, continues to pose a threat in the Carolinas. And I will tell the Members, as I stand here at this moment, Mr. Speaker, I live constantly with the prospect of a massive earthquake hitting the largest, most important State in the Union, which I am proud to represent here.

We in California deal with the threat of fires on a regular basis. I represent the Angeles National Forest, and that threat is a very serious one. And in the wake of those fires following that, we, of course, have terrible mudslides which impact tremendous numbers of people.

We have gone through disasters in the past. Obviously, as President Bush has said, this is the worst natural disaster in our Nation's history, Hurricane Katrina. But we have faced many, many struggles. In California, one of the most prominent was the Northridge earthquake on January 16 of 1994. I know my friend from San Francisco, the distinguished minority leader, suffered the Loma Prieta quake.

And I will say that, having gone through all of this, Mr. Speaker, it is absolutely absurd, it is absurd, to believe that any Member of this House, that any Member of this House would not want to get to the truth of exactly what happened in the case of Hurricane Katrina.

□ 1145

Now, earlier this week, President Bush came forward and said that he takes full responsibility for the Federal Government's problems when it came to the preparation for and the response to Hurricane Katrina. Just yesterday, Governor Blanco, the Democratic Governor of Louisiana, said that she takes responsibility for what took place in her State.

Now, Mr. Speaker, we have a Republican President and a Democratic Governor coming forward and saying they take responsibility for their roles in the governments that they serve, the Federal Government and the State government.

The gentleman from Illinois (Speaker HASTERT) has come forward saying that it is very important for us to work in a bipartisan way. He has tried to work with the minority leader to make sure that, in appointing this select committee, we will have a chance to work in a bipartisan way. Speaker HASTERT has just called for members of the Committee on Appropriations to go to the gulf coast to look at this situation and to report back to us, because the very important responsibility of oversight right now that the Committee on Appropriations has over the \$60 billion-plus that we, in a bipartisan way, have appropriated to deal with this, needs to be addressed. So this notion that there is not a bipartisan com-

mitment to get to the bottom of this is absolutely ludicrous.

I want to make sure that if my State faces an earthquake, a fire, a mudslide that we are able to have the best response possible. I will tell my colleagues that this bipartisan committee is something that I think can play a very important role in ensuring that for all of us who face the prospect of a disaster in our States that we will be able to address it in a better way.

Mr. Speaker, I am a proud institutionalist. I know that is not a popular thing to say; but I serve on the Committee on Rules, and by virtue of that, I think it makes me an institutionalist. This is my 25th year serving here, and I am proud of the role that I have been able to play in trying to address very important institutional concerns, and we have been able to address many issues in a bipartisan way.

Now, I will acknowledge that, on occasion, the Committee on Rules can be a very partisan place; but on occasion we also can be very bipartisan. We just reported out a rule that enjoyed strong bipartisan support dealing with Coast Guard reauthorization, and passage of rules like that are noncontroversial, they do not get attention, and those are things that we have worked on. In fact, I would argue that we do more things coming out of even the Committee on Rules in a bipartisan way than we do the things that we do that are very, very strident and partisan. But if you look at other committees around this place, Mr. Speaker, such as the Committee on Transportation, the Committee on Energy and Commerce, the Committee on Financial Services, you can go right down the line, Democrats and Republicans come together to address major public policy concerns that are out there.

Now, Mr. Speaker, everyone wants to make sure that no one suffers again as the people have along the gulf coast. I do feel for our colleague MARY LANDRIEU in the other body, and the gentleman from Mississippi (Mr. TAYLOR); but I also think it is important for us to note that in the other body, our colleague TRENT LOTT lost his home. We have seen tremendous loss from people like the gentleman from Louisiana (Mr. JINDAL) on our side. So the point is that this is a disaster which has impacted Democrats and Republicans, and that is why I believe that it is incumbent upon us.

Because article I, section 8 of the U.S. Constitution makes it very clear that we have the responsibility for congressional oversight, oversight of the executive branch; and this bipartisan select committee, Mr. Speaker, will focus not just on the Federal Government. It will focus on State government, on local governments, on even private entities that have been involved in this process.

Accountability is something that an independent commission will not have anything to do with. The 9/11 Commission was not accountable at all. We are

accountable as the elected representatives of the American people to the American people. And I think that it is very clear that moving quickly is the right thing to do. The reason that I believe that it is important for us to move quickly is that, as I said, Hurricane Ophelia is at this moment posing a threat to the Carolinas, and there are other disasters on the horizon.

I believe that Democrats and Republicans should come together. The Speaker, again, has reached out to the Democratic leader and very much wants to have appointments made, and Democrats will be able to ask any question that they want; they will be able to participate in the process of bringing witnesses before the committee. Again, everyone wants to make sure that we take the steps to ensure that this never happens again.

Mr. Speaker, I urge my colleagues to support this rule. I urge my colleagues to support the underlying legislation which will establish this very important committee so that we can address this question and ensure that the American people will not go through what we have seen happen in the last several weeks.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 439, THE RULE FOR H. RES. 437 THE SELECT COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA AMENDMENT TO H. RES. 439 OFFERED BY REP. SLAUGHTER (NY)

Amendment in nature of substitute:  
Strike all after the resolved clause and insert:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3764) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit."

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 18, as follows:

[Roll No. 471]  
YEAS—222

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Bartlett (MD)  
Bass  
Biggert  
Bilirakis  
Blackburn  
Blunt  
Boehler  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boustany  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis (KY)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Feeney  
Ferguson  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foss  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Barrow  
Bean

Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Issa  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCaul (TX)  
McCotter  
McCrary  
McHenry  
McHugh  
McKeon  
McMorris  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes

NAYS—193

Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell

Nussle  
Osborne  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin

Cardoza  
Carnahan  
Carson  
Case  
Chandler  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Dicks  
Dingell  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Herseth  
Higgins  
Hinojosa  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel

Barton (TX)  
Beauprez  
Bishop (UT)  
Doggett  
Doolittle  
Hinchev

NOT VOTING—18

□ 1213

Istook  
Jindal  
Jones (OH)  
Melancon  
Nadler  
Rogers (MI)

Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murtha  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone

Pascarell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Ross  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Lee  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Spratt  
Stark  
Strickland  
Stupak  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Wexler  
Wu  
Wynn

Mr. SCOTT of Virginia and Mr. BACA changed their vote from "yea" to "nay."

Mr. BARTLETT of Maryland changed his vote from "nay" to "yea."

Stated for:

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 471 I was inadvertently detained. Had I been present, I would have voted "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE  
Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.  
A recorded vote was ordered.  
The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 19, as follows:

[Roll No. 472]

AYES—221

Aderholt Gillmor Nussle  
Akin Gingrey Osborne  
Alexander Gohmert Otter  
Bachus Goode Oxley  
Baker Goodlatte Paul  
Barrett (SC) Granger Pearce  
Bartlett (MD) Graves Pence  
Bass Green (WI) Peterson (PA)  
Biggert Gutknecht Petri  
Bilirakis Hall Pickering  
Blackburn Harris Pitts  
Blunt Hart Platts  
Boehlert Hastings (WA) Poe  
Boehner Hayes Pombo  
Bonilla Hayworth Porter  
Bonner Hefley Price (GA)  
Bono Hensarling Pryce (OH)  
Boozman Herger Putnam  
Boustany Hobson Radanovich  
Bradley (NH) Hoekstra Ramstad  
Brady (TX) Hostettler Regula  
Brown (SC) Hulshof Rehberg  
Brown-Waite, Hunter Reichert  
Ginny Hyde  
Burgess Inglis (SC) Renzi  
Burton (IN) Issa Reynolds  
Buyer Jenkins Rogers (AL)  
Calvert Johnson (CT) Rogers (KY)  
Camp Johnson (IL) Rohrabacher  
Cannon Johnson, Sam Ros-Lehtinen  
Cantor Jones (NC) Royce  
Capito Keller Ryan (WI)  
Carter Kelly Ryan (KS)  
Castle Kennedy (MN) Saxton  
Chabot King (IA) Schmidt  
Chocola King (NY) Schwarz (MI)  
Coble Kingston Sensenbrenner  
Cole (OK) Kirk Sessions  
Conaway Kline Shadegg  
Crenshaw Knollenberg Shaw  
Cubin Kolbe Sherwood  
Culberson Kuhl (NY) Shimkus  
Cunningham LaHood Shuster  
Davis (KY) Latham Simmons  
Davis, Jo Ann LaTourette Simpson  
Davis, Tom Leach Smith (NJ)  
Deal (GA) Lewis (CA) Smith (TX)  
DeLay Lewis (KY) Sodrel  
Dent Linder Souder  
Diaz-Balart, L. LoBiondo Stearns  
Diaz-Balart, M. Lucas Sullivan  
Doolittle Lungren, Daniel Sweeney  
Drake E. Taylor (NC)  
Dreier Mack Terry  
Duncan Manzullo Thomas  
Ehlers Marchant Thornberry  
Emerson McCaul (TX) Tiahrt  
English (PA) McCotter Tiberi  
Everett McCrery Turner  
Feeney McHenry  
Ferguson McHugh Upton  
Fitzpatrick (PA) McKeon Walden (OR)  
Flake McMorris Walsh  
Foley Mica Wamp  
Forbes Miller (MI) Weldon (FL)  
Fortenberry Miller, Gary Weldon (PA)  
Fossella Moran (KS) Weller  
Foxy Murphy Westmoreland  
Franks (AZ) Murphy Whitfield  
Frelinghuysen Musgrave Wickler  
Gallegly Myrick Wilson (NM)  
Garrett (NJ) Neugebauer Wilson (SC)  
Gerlach Ney Wolf  
Gibbons Northup Young (AK)  
Gilchrest Nunes Young (FL)

NOES—193

Abercrombie Blumenauer Case  
Ackerman Boren Chandler  
Allen Boswell Clay  
Andrews Boucher Cleaver  
Baca Boyd Clyburn  
Baird Brady (PA) Conyers  
Baldwin Brown (OH) Cooper  
Barrow Brown, Corrine Costa  
Bean Butterfield Costello  
Becerra Capps Cramer  
Berkley Capuano Crowley  
Berman Cardin Cuellar  
Berry Cardoza Cummings  
Bishop (GA) Carnahan Davis (AL)  
Bishop (NY) Carson Davis (CA)

Davis (FL) Kucinich Rahall  
Davis (IN) Langevin Rangel  
Davis (TN) Lantos Reyes  
DeFazio Larsen (WA) Ross  
DeGette Larson (CT) Roybal-Allard  
Delahunt Lee Ruppertsberger  
DeLauro Levin Rush  
Dicks Lipinski Ryan (OH)  
Dingell Lofgren, Zoe Sabo  
Doggett Lowey Salazar  
Doyle Lynch Sánchez, Linda  
Edwards Maloney T.  
Emanuel Markey Sanchez, Loretta  
Engel Marshall Sanders  
Eshoo Matheson Schakowsky  
Etheridge Matsui Schiff  
Evans McCarthy Schwartz (PA)  
Farr McCollum (MN) Scott (GA)  
Fattah McDermott Scott (VA)  
Filner McGovern Serrano  
Ford McIntyre Sherman  
Frank (MA) McKinney Skelton  
Gonzalez McNulty Slaughter  
Gordon Meehan Smith (WA)  
Green, Al Meek (FL) Snyder  
Green, Gene MEEKS (NY) Solis  
Grijalva Menendez Spratt  
Gutierrez Michaud Stark  
Harman Millender-Strickland  
Hastings (FL) McDonald Stupak  
Herseht Miller (NC) Tauscher  
Higgins Miller, George Taylor (MS)  
Hinojosa Mollohan Thompson (CA)  
Holden Moore (KS) Thompson (MS)  
Holt Moore (WI) Tierney  
Honda Moran (VA) Towns  
Hoolley Napolitano Udall (CO)  
Hoyer Neal (MA) Udall (NM)  
Inslie Oberstar Van Hollen  
Israel Obey Velazquez  
Jackson (IL) Olver Vislosky  
Jackson-Lee Ortiz Wasserman  
(TX) Owens Schultz  
Jefferson Pallone Waters  
Johnson, E. B. Pascrell Watson  
Kanjorski Pastor Watt  
Kaptur Payne Waxman  
Kennedy (RI) Pelosi Wexler  
Kildee Peterson (MN) Wu  
Kilpatrick (MI) Pomeroy Wynne  
Kind Price (NC)

NOT VOTING—19

Barton (TX) Lewis (GA) Shays  
Beauprez Melancon Tancredo  
Bishop (UT) Miller (FL) Tanner  
Hinchey Murtha Weiner  
Istook Nadler Woolsey  
Jindal Rogers (MI)  
Jones (OH) Rothman

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAYS. Mr. Speaker, on rollcall No. 472 I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 472 on September 15, 2005. This was a suspension vote on agreeing to the resolution H.J. Res. 439—a resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

If present, I would have voted rollcall vote No. 472, Establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina—"aye".

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3684

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the name of the gentleman from Tennessee (Mr. WAMP) be removed as a cosponsor of my bill, H.R. 3684.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

#### KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. McCRERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina, as amended.

The Clerk read as follows:

H.R. 3768

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

#### SEC. 2. DESIGNATION AS EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

#### TITLE I—GENERAL TAX RELIEF PROVISIONS

#### SEC. 101. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting "5 years" for "2 years" with respect to property which—

(1) is located in an area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina, and

(2) is compulsorily or involuntarily converted as a result of such hurricane, but only if substantially all of the use of the replacement property is located in any such area.

#### SEC. 102. SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS FOR RELIEF EFFORTS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), qualified disaster contributions shall not be taken into account for purposes of subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over

the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified disaster contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(C) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified disaster contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this section, the term "qualified disaster contribution" means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code) for relief efforts related to Hurricane Katrina, and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

#### SEC. 103. MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.

(a) MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.—Notwithstanding subsection (i) of section 170 of the Internal Revenue Code of 1986, in the case of the use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina, the standard mileage rate for purposes of such section shall be 70 percent of the standard mileage rate for business purposes prescribed by the Secretary for purposes of chapter 1 of such Code which is in effect on the date of the contribution.

(b) APPLICATION.—Subsection (a) shall apply only with respect to contributions made before January 1, 2007.

#### SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of qualified nonbusiness debt of a qualified individual by an applicable entity (as defined in section 6050P(c)).

(b) QUALIFIED NONBUSINESS DEBT.—For purposes of this section, the term "qualified nonbusiness debt" means any indebtedness other than indebtedness incurred in connection with a trade or business.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any natural person who was a resident

(as of August 28, 2005) of, or who owned real property (as of the date of such discharge) in, any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(d) EXCEPTION FOR REAL PROPERTY OUTSIDE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the area described in subsection (c).

(e) DENIAL OF DOUBLE BENEFIT.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of the Internal Revenue Code of 1986.

(f) APPLICATION.—This section shall not apply to discharges after December 31, 2006.

#### SEC. 105. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term "qualified Hurricane Katrina recovery residence" means any residence if such residence is located in an area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

#### SEC. 106. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

#### SEC. 107. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by \$500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed \$2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term "Hurricane Katrina displaced individual" means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina,

(2) is displaced from the person's residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

#### SEC. 108. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any individual who was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

#### SEC. 109. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury, or his delegate, may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose dependency exemptions or child credits or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

**SEC. 110. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.**

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term “Hurricane Katrina employee” means any individual who, on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) except in the case of an employee of the employer (within the meaning of section 51 of such Code) on August 28, 2005, or an employee initially hired after such date, section 51(i)(2) of such Code shall not apply.

(d) APPLICATION OF SECTION.—This section shall apply only to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who—

(1) is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, and

(2) who begins work for the employer during the 2-year period beginning on August 29, 2005.

(e) HURRICANE KATRINA DISASTER AREA.—For purposes of this section, the term “Hurricane Katrina disaster area” means any area which is determined by the President to warrant individual or public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

**TITLE II—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS****SEC. 201. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.—

“(i) IN GENERAL.—Any qualified disaster-relief distribution.

“(ii) AGGREGATE LIMITATION.—The aggregate amount of payments or distributions received by an individual which may be treated as qualified disaster-relief distributions for any taxable year shall not exceed the excess (if any) of —

“(I) \$100,000, over

“(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

“(iii) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(iv) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means any area which is determined by the President to warrant individual or public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.”

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) of such Code (relating to eligible rollover distribution) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following new subparagraph:

“(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).”

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and”

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting “sustains a loss as a result of a major disaster declared under sec-

tion 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),” before “or”.

(3) Section 403(b)(11) of such Code is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

**SEC. 202. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.**

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

(d) HURRICANE KATRINA DISASTER AREA.—For purposes of this section, the term “Hurricane Katrina disaster area” means any area which is determined by the President to warrant individual or public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

**SEC. 203. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.**

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is

made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii), 403(b)(11)(B), 457(d)(1)(A)(iii), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which the President designated the area as a Hurricane Katrina disaster area.

(3) HURRICANE KATRINA DISASTER AREA.—The term “Hurricane Katrina disaster area” means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

#### SEC. 204. LOANS FROM QUALIFIED PLANS IN CONNECTION WITH HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 202(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 203(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 202(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

#### SEC. 205. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

#### TITLE III—EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS

##### SEC. 301. EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS.

(a) IN GENERAL.—The following provisions shall be applied as if they did not include the phrase “individual or individual and public”:

(1) Section 101 of this Act (relating to extension of replacement period for non-recognition of gain).

(2) Section 104 of this Act (relating to exclusion of certain cancellations of indebtedness), but only if the discharge is on account of Hurricane Katrina.

(3) Section 105 of this Act (relating to special rules for mortgage revenue bonds), but only with respect to residences damaged as a result of Hurricane Katrina.

(4) Section 106 of this Act (relating to suspension of certain limitations on personal casualty losses).

(5) Section 107 of this Act (relating to additional exemption for housing Hurricane Katrina displaced individuals).

(6) Sections 108 and 109 of this Act (relating to special rule for certain family related ben-

efits), but only with respect to individuals dislocated from their residence by reason of Hurricane Katrina.

(7) Title II of this Act (relating to penalty free use of retirement funds in the case of natural disasters) and section 72(t)(2)(G) of the Internal Revenue Code of 1986 (as added by section 201 of this Act).

(b) CLARIFICATION OF SCOPE OF PROVISIONS RELATING TO CHARITABLE CONTRIBUTIONS.—The provisions of sections 102 and 103 shall apply to relief efforts related to Hurricane Katrina whether or not such efforts are carried out in an area directly impacted by Hurricane Katrina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MCCRERY).

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

Madam Speaker, I rise today in strong support of the Katrina Emergency Tax Relief Act of 2005. I want to thank my colleagues on both sides of the aisle for their work and support in moving this critical legislation quickly to the House floor. In particular, I want to thank the members of the Committee on Ways and Means, the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from New York (Mr. RANGEL), and all the members of the Louisiana delegation for their continued assistance in crafting hurricane-related legislation.

This bill is the Committee on Ways and Means' second installment of providing targeted relief for individuals and families hurt by Hurricane Katrina. These tax provisions are aimed at easing the financial burdens of people of the region as they begin to rebuild their lives.

The bill also address the generosity of many Good Samaritans across the country who have opened up their homes to individuals and families displaced by the hurricane. H.R. 3768 would provide a special \$500 income tax deduction for those who are providing temporary housing. In addition, the Katrina Emergency Tax Relief Act encourages cash donations to help victims by relaxing some restrictions regarding how much charitable contribution can be deducted on an individual's tax return.

H.R. 3768 continues the efforts of this Congress to bring immediate relief to these individuals and families devastated by Hurricane Katrina.

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Madam Speaker, last week, the members of the Committee on Ways and Means on both sides of the aisle acted quickly, and the House passed the TANF Emergency Response and Recovery Act. That bill will provide aid by cutting down red tape and bringing more Federal dollars to the affected areas through the Temporary Assistance for Needy Families program, with the welfare program.

The Committee on Ways and Means continues to look at programs within

our jurisdiction and how they might be used to assist those affected by Hurricane Katrina. I expect that we will bring to the House floor additional legislation in the coming weeks. We know that the people and businesses of New Orleans and the gulf coast areas hit by Katrina will rebuild, and we are committed to helping them do that.

Today, Congress will vote on much-needed tax relief for the affected areas. I urge my colleagues to support this legislation so we can quickly work with our colleagues in the Senate and further demonstrate that this Congress stands ready to help those most affected by Hurricane Katrina.

Madam Speaker, I reserve the balance of my time.

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

First, I want to thank the gentleman from Louisiana (Mr. MCCRERY), my friend and colleague, for joining me in introducing this important piece of legislation. I also want to thank the gentleman from California (Mr. THOMAS), the chairman of the committee, and the gentleman from New York (Mr. RANGEL), our ranking member, for their swift action in bringing this bill to the floor, as well as the members of the Committee on Ways and Means.

I also would be remiss if I failed to thank both the Republican and Democratic staff of the committee for their extraordinary bipartisan effort to put this tax package together in such a timely way.

Madam Speaker, the Katrina Emergency Tax Relief Act of 2005 provides much-needed aid and comfort to the victims of Hurricane Katrina and the many thousands of good Samaritans who have opened their arms, wallets and homes to provide food, clothing, shelter and medical care and other necessities to the thousands of Americans who have been uprooted in the wake of this horrible storm.

As we have all seen, while Hurricane Katrina was indiscriminate in the destruction it wrought, the unprecedented property damage, human toll and economic loss fell disproportionately on the backs of our poorest and most vulnerable citizens.

A disproportionate share of the damage in my hometown of New Orleans was meted out on parts of our great city that were already extraordinarily economically disadvantaged. The poverty, disability and economic disenfranchisement in these areas in no small way were factors in the extraordinary loss of life and property experienced by my constituents.

For this reason, I am grateful that the bill we consider today provides important relief to these vulnerable families.

First, families who have been displaced in the wake of Hurricane Katrina are held harmless against the loss of critical economic security and benefits. Damage caused by the hurricane has displaced hundreds of thou-

sands of individuals, who are temporarily living with family, friends or good Samaritans.

Under current law, a prolonged change in their living situation could affect their eligibility for various tax benefits. The proposal allows individuals the option of using their 2004 income tax returns to calculate their child credit and the Earned Income Tax Credit on their 2005 tax returns. This special rule applies to individuals who lived in areas eligible for individual assistance from the Federal Government as a result of the disaster as of August 28, 2005.

The proposal also grants the U.S. Treasury Department authority to ensure that taxpayers do not lose dependency exemptions or child credits for 2005 due to temporary relocations.

In many areas of the gulf coast devastated by Hurricane Katrina, including my hometown of New Orleans, the EITC is a vitally important part of many families' economic security. This bill ensures the continuing eligibility of the thousands of families displaced by Katrina.

Second, the legislation ensures that the victims of Hurricane Katrina are able to account fully for the losses they have suffered in the aftermath of the hurricane. Moreover, it exempts the value of forgiven mortgages and other debt from taxable income. These two very important provisions demonstrate compassion by prohibiting the IRS from kicking these families when, for many of them, they are at the lowest points in their lives.

Madam Speaker, this Act also provides an added measure of financial security to the many victims of this storm by providing them with added flexibility to access the savings they have set aside in 401(k) plans and individual retirement accounts without the usual penalties. In a time when so many have lost jobs and, consequently, their paychecks, denying or penalizing access to their savings is inappropriate, and this bill recognizes that.

As I have said repeatedly over the past 2 weeks, the recovery, reconstruction and revival of the gulf coast region, and particularly New Orleans, will require an unprecedented Federal commitment.

The bill we will pass today takes two important steps toward that recovery.

First, the bill expands the availability of low-interest mortgages for the building and purchasing of homes in the affected areas. We all understand that the most solid foundation for the economic security of our Nation's families is homeownership. By lifting some of the restrictions on the use of mortgage revenue bonds, this bill will help to build a solid economic foundation for the families whose lives have been turned upside down by Hurricane Katrina.

In addition, the Katrina Emergency Tax Relief Act also provides targeted incentives for returning businesses and new businesses to employ the thou-

sands of hardworking Americans who have been displaced or lost jobs to Hurricane Katrina. By encouraging businesses to hire workers from the affected areas, this bill takes another very important step toward our uniform goal of rebuilding and resettling New Orleans and other areas tragically struck by the hurricane.

Finally, Madam Speaker, the legislation we consider today recognizes the important contributions that good-hearted and generous Americans have made to the recovery effort. By increasing the value of the charitable deductions and providing relief to the thousands of Americans who have opened their homes to my constituents who have lost theirs, this bill is an important expression of gratitude from this Congress to the American people for rising to the challenge of Hurricane Katrina in truly extraordinary ways.

Madam Speaker, the efforts of my colleagues in providing the relief we need in the gulf coast has been unparalleled to any I have witnessed during my tenure in Congress. For that, I am extraordinarily grateful. However, we still have a long row to hoe before we have achieved the full recovery that I know we all want. I look forward to working with each of you in the coming weeks and months as we rise to the challenge of ensuring that, like the Phoenix of myth and fable, New Orleans rises from the devastation of Hurricane Katrina as a bright, shining model of American ingenuity and opportunity.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

Mr. FOLEY. Madam Speaker, I want to particularly thank the gentleman from Louisiana (Chairman MCCRERY) and the gentleman from California (Chairman THOMAS) and others for their collaborative efforts in helping the victims of Katrina. It has been a horrific time for America to witness on TV what those fine folk in Mississippi, Alabama, Florida and Louisiana have endured.

It really brings out the best in America, the character, the courage, the ability to help their neighbor, and here on the floor, we are providing relief by virtue of the Tax Code.

I want to specifically thank the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. MARIO DIAZ-BALART), our colleagues who brought to the committee a very urgent need of helping Floridians as well.

The three States that were dramatically impacted have been visualized on TV, but Katrina did start off the coast of Florida, off the Bahamas and made its way through southern Florida, Dayton, Broward Counties. They suffered significant damage. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), our colleague, as well lent a

hand in trying to see that our constituents were brought whole in this effort as well.

The chairman was specific in providing targeted relief for those that were directly impacted by the storm, and we applaud that. No tax relief measure should be a grab bag for others to dip into simply because they thought they were close to a proximity of damage.

In this bill, we establish criteria that there is significant and real damage, not perceived, not illusory, but real damage. Forgiveness of debt if, in fact, your home has been decimated and you have to discharge the mortgage obligation, relieving that would be a gain under the Tax Code for a person that has not only lost their home, had their mortgage foreclosed but is being considered by the IRS for gain on that asset simply because they got a forgiveness of debt.

Ability to reach into your IRA for the specific use in this emergency. The IRA is an important asset for future financial strengthening of all persons' assets. So we do not let people just go into the account, but it is strictly provided for on the case of emergency.

So I applaud this bill. The gentleman from Louisiana (Mr. JEFFERSON), my colleague, I know has suffered himself personally. We are delighted that we worked in a bipartisan spirit to bring about relief for the very people that have suffered so much.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Madam Speaker, let me thank the gentleman from Louisiana (Mr. JEFFERSON) for his leadership in focusing what we can do to help the victims of Katrina. I want to thank the gentleman from Louisiana (Mr. MCCRERY) for his leadership on the committee.

This is exactly what we need to do. Obviously, all of us were devastated by what happened with Katrina and the failure of our government to respond in a timely and effective way, and people who were vulnerable paid a very heavy price.

What this bill does is try to deal with the problems of the victims of Katrina by looking at our Tax Code. Our first priority today must be to help those who were devastated by Katrina, and this bill looks at the Tax Code to find ways in which we can be helpful. I applaud the specific provisions that are in it because I think it will help.

To deal with the practical problems such as residency, people who now live in different parts of the country would not comply with the technical requirements in our Tax Code on residency, which is required to take advantage of some of the tax provisions. This bill provides the needed relief.

Our colleague, the gentleman from Louisiana (Mr. JEFFERSON), talked about the Earned Income Tax Credit, a very important tool to help low-wage families in this Nation. This bill will make sure that those who are entitled to that relief, who were affected by Katrina, will continue to be able to receive that help.

Along with the forgiveness of loans which is taking place, if we do not pass this bill, there could be tax consequences to that.

We provide incentives in this bill for individuals who have opened up their homes to take in those who are now without a home, and we provide full deductibility for personal casualty losses, as we should.

For job opportunity, we expand the Work Opportunity Tax Credit, as we should do, and we now make it easier for individuals to be able to give cash donations to the victims of Katrina.

Bottom line, Madam Speaker, is this bill takes care of some of the practical problems that our Tax Code could not anticipate as a result of Katrina, and I want to thank the leadership on both sides of the aisle for expediting the process to bring this bill forward so that we can try, in a constructive way, to make it easier for those who were victimized by this horrible hurricane.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), another distinguished member of the Committee on Ways and Means.

Ms. HART. Madam Speaker, I thank the chairman and also the gentleman from California (Chairman THOMAS) and the gentleman from New York (Ranking Member RANGEL) and my colleagues of the Committee on Ways and Means for finding some creative and very practical ways to help the victims of Hurricane Katrina.

Since it was one of the deadliest disasters, or the deadliest disaster, in U.S. history, it has left countless individuals without the most basic needs, and the American people's response has been historic, with millions being donated in time and money, nearly \$800 million already donated privately to the relief effort on top of government assistance.

Unfortunately, despite this outpouring, the people in the communities in Louisiana, Mississippi and Alabama still need help. H.R. 3768 will help these families rebuild their lives in a number of different ways.

One, it will encourage even more private help from individuals. It encourages more cash donations by individuals by allowing them to deduct more of the contributions that they give.

It will also encourage more deductions by corporations. Under current law, they can only deduct 10 percent of those donations. That is waived under this bill.

It increases the opportunity for people to provide more physical help by increasing the reimbursement rate for mileage for those who actually will

spend their gasoline getting to places to help, ways that people can get involved personally.

Also, those who have had savings, who are going to need to tap it, who have been victims, are assisted in accessing their own money. It was mentioned earlier that people can access their IRAs without the penalty that they currently would have for accessing that money before their retirement. It is important for us to allow these victims access to whatever they can get, whatever assets they can get to help them get their lives back on track sooner.

I think it is the least that we can do to address some very simple but very practical issues via this bill.

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

Mr. MCCRERY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Madam Speaker, I thank the gentleman for the time.

I just want to remind Members, as we move forward with yet another piece of legislation which has taken a little longer to craft because it becomes more structural in dealing with the Tax Code, as we had indicated when we came back from our summer district work period, we will probably have another piece of legislation which will deal with more additional structural assistance that takes a little longer to craft dealing with the reconstruction portion of assistance.

I took the time at the microphone this morning to indicate to my colleagues how frustrating this process has been.

□ 1245

More than a week ago, this House moved swiftly, in a bipartisan way, to simply open up the pipeline that had money already in it as direct assistance to individuals under the targeted assistance for families, or the TANF program. That bill moved off the floor of the House without even a recorded vote, and it has not yet been taken up by the Senate.

The procedure of putting a hold on legislation, which is an individual or a group of Senators' way of stopping the process, has been exercised by Members of the Senate. And I want to indicate to people how outrageous that procedure is on a bill which should have been moved last week to assist people. I take the time on this floor to say this particular legislation, a bit more structured, we had an extra week to think it out, being moved again on a bipartisan basis should not be subject to a hold in the Senate.

If the Senate cannot get its act together to move legislation, then simply allow the House's bipartisan effort to go forward. These people need help. That area needs help. The House has moved in a bipartisan way and the Senate has obstructed the movement of

needed legislation by allowing even in normal times the somewhat unseemly procedure of holds by individuals or groups of Senators, but on this legislation it is unconscionable.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the members of the Committee on Ways and Means for bringing this to the floor. As you know, south Mississippi, south Louisiana suffered a catastrophe of biblical proportions; and there is really no other way to describe it. A 30-foot wall of water hit south Mississippi, resulting in the breaking of the floodgates in New Orleans.

Whole communities, the city of Waveland, it is pretty fair to say no longer exists. The city of Bay Saint Louis, probably 80 percent of the people in that town lost their homes. In portions of Harrison County, in Pass Christian and Biloxi, there are entire blocks leveled, with one person not able to distinguish the parts of furniture from his house with the parts of furniture from another.

I consider myself a deficit hawk. I have voted against almost every tax bill that came to this floor because I did not want to see the deficit go up by the \$2 trillion it has. This is different. I felt that those bills took care of the wealthiest Americans. I think this bill takes care of the neediest Americans. It is truly a step in the right direction when we have so much to do.

One of the fights that the gentleman from Louisiana (Mr. MCCRERY) and all of us from the affected area will have is to help those people who could never have conceived they would flood with their insurance needs. They had wind insurance. They are now being told it did not cover a flood, and places that had never flooded in recorded history of the Europeans coming to America flooded. They are being left out in the cold. We have to find a way to help them.

There is going to be, based on the Florida experience, a number, probably in the tens of thousands of people, who will be told by FEMA that their house has been 51 percent destroyed and, by regulation, it has to be bulldozed. And then it is complicated by, I am told, based on the Florida experience, the insurance companies who will go to them and say FEMA says there is only 51 percent destruction, so we are only going to give you 51 percent of what you thought your premium was. So if you had a \$100,000 house, it is bulldozed; but you only get \$51,000 in payment. We have to fix that. We cannot let that happen again. There are too many hard-working people who are looking to Congress for leadership.

I do not say this often, because I did vote for the war in Iraq and I share in the responsibility for every one of those Americans who were wounded there and everyone who died there, but

on a daily basis we hire Iraqis to clean the streets, just to give them something to do and give them a chance at life. On a daily basis we are fixing sewer lines in Iraq. On a daily basis we are building schools in Iraq. We need to do for our fellow Americans what we so willingly do for the Iraqi people.

So I thank the committee for this great step in the right direction. It is such a, quite frankly, small step on such a monumental journey that we have to take; but it is at least a step in the right direction, and thank you for doing it.

Mr. MCCRERY. Madam Speaker, I can assure the gentleman from Mississippi that I agree with his remarks, and there will be more coming from this Congress.

Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), another member of the Committee on Ways and Means.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I thank my colleague from the Committee on Ways and Means for yielding me this time.

Members of this House from States directly affected by this natural disaster have come to this floor and spoken eloquently and movingly of the needs their constituents have. Just as a natural disaster does not distinguish partisanship, so too has this House moved forward to deal effectively and, yes, as a consequence of the Tax Code and the nature of what we do, methodically and sequentially to deal in a thoughtful and compassionate manner with what we confront as a people and as a Nation.

By the same token, Madam Speaker, Americans from coast to coast and beyond have opened their hearts, opened their homes, and opened their pocket-books to help their fellow Americans in need. And as these are the worst of times for so many affected by this natural disaster, in many ways the best of America comes through with this compassionate impulse to help others. Fittingly and properly, many of the actions we take in this legislation are targeted directly at the people whose lives have been changed and affected by this storm, but also we take into account the generosity of fellow Americans and, in dealing with the Tax Code, a couple of provisions that we need to emphasize that affect people not only who call the gulf coast home but help those around the Nation.

Briefly, the fact that we are providing tax relief for housing assistance to dislocated persons; the fact that we are encouraging cash donations by individuals and by corporations, and moving in a way to encourage yet more giving by the incredibly compassionate people known as Americans is something that should be lauded and something that I believe will go a long way in Americans helping Americans and this House, as a collective body, reach-

ing out to help those Americans most in need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding me this time and for his courtesy in permitting me to speak on this proposal. I applaud what the committee has done, moving forward with specific tax relief that is going to make a difference for people in this devastated area.

I am hopeful that this will signify the start of a creative effort on the part of a number of committees, people on both sides of the aisle, to figure out ways that we can have assistance that is commensurate with the challenge and, in fact, employs some of the techniques that we have used in other parts of the world.

Some of us visited the tsunami-ravaged area days after that devastation, and we saw on the ground people in Indonesia, in Sri Lanka, and in Thailand that were being put to work virtually overnight with a cash-for-work program that had people doing essential labor-intensive work that made the community better so that the recovery could proceed.

I would hope the creativity, ingenuity, and bipartisan spirit demonstrated by the Committee on Ways and Means on these important provisions could be extended to other committees, other parts of our organizational efforts here to have a program so that every able-bodied person in the three States who wants to be able to work restoring their community is given that opportunity. It will be far cheaper in the long run than employing expensive contracts from people out of State, and it will give people a sense of ownership and involvement, and it will get money circulating in those devastated local economies.

Madam Speaker, I am hopeful that we will be able to use the creativity to bring other people together for a planning effort that involves the people in Mississippi, in Alabama, and in New Orleans, because we are going to be putting at least another \$100 billion on the ground. We ought to make sure that this is not just a monument for rapid Federal reaction. It should be a model, for the very first time on this scale, taking this blank slate and working with the people who had their lives turned upside down, and making them full partners in putting the pieces back together.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a distinguished member of the Committee on Appropriations.

Mr. WICKER. Madam Speaker, I thank my friend for yielding me this time.

Madam Speaker, forces have been marshaled from across the Nation and, indeed, from around the globe to assist in the relief and recovery from Hurricane Katrina. But the biggest asset in

this effort is not the Federal Government; it is the generosity of our fellow citizens. From the corner lemonade stands to the corporate board rooms, people are opening their hearts, homes, churches, and their pocketbooks to assist in the relief efforts. Donations continue to pour in to countless non-governmental organizations and to the faith community as we begin to take stock in the breadth of Katrina's destruction.

According to the 2004 generosity index, based on IRS statistics, Mississippi is the most charitable State in the country. Now we find ourselves in need of charity. It is something we take great pride in back home, that we are the leader in generosity; and with that in mind, I am thankful to see that the provisions of H.R. 3724, the charitable donation legislation I introduced last week, have been included in the relief package.

Under current law, the amount of individual or corporate deductions is now capped. This bill includes provisions to lift those caps for Katrina-related donations. In doing so, we are unleashing the awesome power of the American public and our capacity to care for our own.

This past weekend, I was part of a caravan of trucks and vans loaded with supplies from north Mississippi to several churches in the ravaged portions of my State. While I saw the pain on the faces of those who had lost so much, I also saw a determination that is strong among our people. We are already working hard on recovery and rebuilding, spurred on by the compassion and generosity of so many Americans. This bill will help provide individuals affected by this tragedy with the charitable assistance they need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), a distinguished member of the Committee on Ways and Means and whose family has donated generously to our food relief efforts in the affected area.

□ 1300

Mr. EMANUEL. Madam Speaker, I would like to thank both my colleagues who serve on the Ways and Means Committee who are from Louisiana and the affected area.

As you look at the overall part of this bill, both from the charitable piece to also helping the families, whether that is on debt forgiveness, dislocation as relates to building a home, and also their own family income or casualty loss, finally the Tax Code is beginning to reflect America's values: When something happens to an American, all Americans pull together to help those individuals affected restore their lives, rebuild their communities, and get back on with their own lives.

I want to isolate a particular part of this bill which deals with the Earned Income Tax Credit. I have introduced a bill with Senator OBAMA in the Senate

that would fast-track the Earned Income Tax Credit and child credit and other educational credits to affected individuals. There is a precedent for this. During 9/11, the United States Congress fast-tracked the authority and allowed the Secretary of Treasury to get to affected families during 9/11 the child credit. In the same way, we should get to the Earned Income Tax Credit, the child credit, as well as educational credits like the Hope Scholarship to affected individuals on a fast-track basis so they, as a family, can get their lives restored, families who have children, families who work.

These are all for individuals who have worked and who have paid their taxes, ensuring that they get the benefits and credits that are due to them. It would lock in and ensure that the Secretary of Treasury would fast-track and get those resources to these families and allow them to establish themselves again and get their income moving again.

One of the most important things we are going to talk about in another tax bill is helping businesses get their feet on the ground. The Earned Income Tax Credit, the child credit, other educational credits help families get their feet on the ground, going again, and operating as a family.

Today's provisions, whether it is Earned Income Tax Credit, whether it deals with the forgiven debt, whether it deals with the charity, whether it deals with deductibility for personal casualty, it reflects all of our values that we as Americans act as one in a time of need.

I compliment both of my colleagues from Louisiana, my colleagues from Mississippi, and others in Alabama from affected areas working on this legislation, the bipartisanship here, and hope that would spread to other parts of this Congress as we work on other pieces of legislation. I hope to work with them in the future on the legislation that Senator OBAMA and I introduced so we can not only help families use the 2004 tax that they submitted, their tax forms, but also that we now direct the Secretary of Treasury to fast-track those checks so those families can actually get moving.

Mr. MCCRERY. Madam Speaker, I would compliment the gentleman from Illinois for his thoughts on speeding relief to the people most in need; and, of course, the bill before us today does take some steps toward protecting those who are on the EITC already, to make sure that changed circumstances that they might encounter as a result of the disaster do not affect their eligibility for those checks. We are doing that in this legislation, but the gentleman makes an excellent point about the need for those checks to arrive in a speedy manner. I look forward to discussing that with the gentleman.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the gentleman from Louisiana

(Mr. MCCRERY), the gentleman from Louisiana (Mr. JEFFERSON), and I rise in support of this bill, but I would like to make a cautionary point. I have been a long advocate of the charitable points in this bill, and I think they are very important. After 9/11, however, what we saw was charitable giving diverted from people all over America into New York City.

If the giving is not sacrificial above and beyond what you already give, there are going to be children who are hungry, people without homes, people who cannot get the drug addiction assistance, juveniles who cannot find a place to go, people who cannot get immunized all over America as the money just pours into one region. Sometimes the unintended consequences of giving a preferential advantage in charitable giving over others can drive this trend even more.

As I have talked to different groups in my district who have poured down into this region, this is not a 3-month project or a 2-day project, this is going to be 7 to 9 years as they reorient their mission programs as they try to do this. We need to make sure that the broader Charitable Giving Act is passed as well so that we do not dry up charities around the country and other people who are hurting in other areas are abandoned.

I strongly favor all the incentives in this bill, I believe we absolutely need to do it in this region, but we also need to make sure that the same charitable options are there for the rest of the country, where they are not getting \$60 billion of assistance and probably \$200 billion more that is desperately needed. Because if you are hungry, if you are hurting, it is the same no matter what city you are in, and we need to make sure this charitable giving applies to the whole Nation, not just here. I am strongly in support of this, but I hope we can move an additional bill so we do not have an unintended consequence coming out of this bill.

Mr. JEFFERSON. Madam Speaker, I yield myself the balance of my time. I again want to thank my colleague from Louisiana (Mr. MCCRERY) and others who have worked so carefully on this bill. This has been an important debate, an important discussion about where this Congress is going and how it is helping out and the generosity of this Congress as we tackle these important issues and the difficult issues back home.

To those who say this is not a huge step forward, I should say to them that it is huge for the people who are involved. We take to heart the remarks made by Mr. EMANUEL, the bill that he and Mr. OBAMA are pushing to get this relief out fast. I think it is very important.

This is a huge step, but it simply is not the last step. It is far from the last step in providing relief to our region. We want this Congress to walk along

with us as we make one step after another toward realizing the vision of restoring our area and rebuilding it to a new, better, higher place.

I look forward to this walk with this Congress over the next months and years. I hope that we will stay engaged as fully as we are in these early days throughout this lengthy process.

Madam Speaker, I yield back the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield myself the balance of my time.

I would be remiss if I did not thank the Bush administration, the Department of Treasury and the IRS for administratively doing a great many things that they could do without legislation to make sure that the needs of the victims of Hurricane Katrina are met vis-a-vis the Tax Code. I want to thank the administration for their important work on this subject as well.

I also want to reiterate my thanks to the gentleman from Louisiana (Mr. JEFFERSON) for working so closely with me and my staff to craft these very important individual tax provisions that, thanks to the leadership on both sides of the aisle, we have been able to bring to the floor in such a speedy manner.

Lastly, I would thank the chairman of the Committee on Ways and Means for lending the full support of his staff to this effort over the past couple of weeks. That will continue for some time to come.

I urge all Members to support this important legislation and get this needed relief to individuals who were affected by Hurricane Katrina.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and pass the bill, H.R. 3768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MCCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3768, the bill just passed.

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

There was no objection.

#### ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Madam Speaker, pursuant to House Resolution 439, I call up the resolution (H. Res. 437) to establish

the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 437

*Resolved,*

#### SECTION 1. ESTABLISHMENT.

There is hereby established the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (hereinafter referred to as the "select committee").

#### SEC. 2. COMPOSITION.

(a) The select committee shall be composed of 20 members appointed by the Speaker, of whom 9 shall be appointed after consultation with the Minority Leader. The Speaker shall designate one Member as chairman.

(b)(1) The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum.

(2) The Speaker and the Minority Leader each may designate a leadership staff member to assist in their capacity as ex officio members, with the same access to select committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as staff of the select committee.

#### SEC. 3. INVESTIGATION AND REPORT.

The select committee is authorized and directed to conduct a full and complete investigation and study and to report its findings to the House not later than February 15, 2006, regarding—

(1) the development, coordination, and execution by local, State, and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina; and

(2) the local, State, and Federal government response to Hurricane Katrina.

#### SEC. 4. PROCEDURE.

Rule XI of the Rules of the House of Representatives, including the items referred to in paragraphs (1) and (2), shall apply to the select committee:

(1) Clause 2(j)(1) of rule XI (guaranteeing the minority additional witnesses).

(2) Clause 2(m)(3) of rule XI (providing for the authority to subpoena witnesses and documents).

#### SEC. 5. JOINT OPERATIONS.

The chairman of the select committee, in conducting the investigation and study described in section 3, shall consult with the chairman of a Senate committee conducting a 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.

#### SEC. 6. STAFF; FUNDING.

(a)(1) To the greatest extent practicable, the select committee shall utilize the services of staff of employing entities of the House. At the request of the chairman in consultation with the ranking minority member, staff of employing entities of the House or a joint committee may be detailed to the select committee to carry out this resolution and shall be deemed to be staff of the select committee.

(2) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution.

(b) There shall be paid out of the applicable accounts of the House \$500,000 for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

#### SEC. 7. DISSOLUTION AND DISPOSITION OF RECORDS.

(a) The select committee shall cease to exist 30 days after filing the report required under section 3.

(b) Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 439, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

#### GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 437.

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

There was no objection.

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

Madam Speaker, this debate that we are beginning here is about a very clear choice that is before us. Will we take the responsibility delegated to us as Members of the People's House by the framers of our Constitution to ask the hard questions, admit our mistakes and improve our Nation's government for the benefit of all? Or will we rely on proxies to do our work for us because we have judged ourselves incapable of carrying out our constitutional duty to ensure that we are providing for the general welfare, which is what the preamble of the Constitution clearly states we have a responsibility to do.

I, for one, believe as James Madison, the father of our Constitution, did, that the Constitution vests this responsibility with us. I am ready to accept the challenge as a Member of the House of Representatives. I believe that we have already started this work.

Last night, in the Committee on Rules, many of my Democratic colleagues asked excellent questions. The gentlewoman from New York (Ms. SLAUGHTER), my friend from Rochester, asked very thoughtful and important questions that need to be raised. I noted that the gentlewoman from Sacramento, California (Ms. MATSUI) similarly asked some very, very good questions that should be posed to those dealing with the preparation for and the aftermath of Hurricane Katrina.

Just yesterday the governor of my State, Pete Wilson, and I should say the former governor of my State, Pete Wilson, testified. I do know very well that we have a new governor. His name

is Arnold Schwarzenegger, I should say for the RECORD. But Pete Wilson testified before the Senate Committee on Homeland Security and Governmental Affairs. It was a hearing that they held on recovering from Hurricane Katrina, and he did this to share his experience and very valuable lessons that he learned from dealing with many, many very, very difficult challenges, disasters that we faced in California, earthquakes, fire, mudslides, the devastation that we faced.

I will tell Members that Pete Wilson handled every single one of those challenges in his 8 years as governor extraordinarily well, and we learned tremendously from the tragedies that we faced in those instances.

□ 1315

As he said, obviously while nowhere near the scale of Hurricane Katrina, and we all know that Hurricane Katrina has been described as the worst natural disaster to ever hit our country, some of the things that were faced in California, there were terrible California floods in January of 1997 that resulted in eight deaths, the evacuation of 120,000 people, relocation of 55,000 people to 107 shelters, damage or destruction of 30,000 residences and 2,000 businesses, and total damage estimates at about \$2 billion. That in 1997.

I talked earlier today, during the rule considering the establishment of this committee, about the Northridge earthquake in 1994, and it resulted in 51 deaths and injured over 9,000 people, left 22,000 people homeless.

The interesting thing, as we look at these figures, is we all know that they pale in comparison to the tragedy of Hurricane Katrina. But, Madam Speaker, I will tell the Members that these were learning experiences for us. One of the things that was most impressive to me and one of the things that we have already found here to be very beneficial was the fact that the private sector has stepped forward and is in many ways doing things the government cannot do. And I think it is often joked about the fact that the private sector is there, ready to meet a need, a need that the government in no way could meet.

We know that for an emergency response like that we faced, clearly the government had to step in. When I say government, I am talking about the local government, the State government, and the Federal Government as well. The Federal Government, obviously, is not the first. It is really the last step. We know that State and local governments have the responsibility to make those recommendations to the Federal Government and then bring them in. We also know that at virtually all these levels of government, we have heard the leadership, from President Bush when it comes to the Federal Government, to Governor Blanco in Louisiana, state that things were not handled as well as they could have been; and both President Bush

and Governor Blanco, Republican and Democrat, have taken responsibility for dealing with this situation.

I mentioned the fact that we learned things, and I mentioned the private sector. And one example that I like to point to, and I have got this right here, is in the 1994 Northridge earthquake, we had the Santa Monica Freeway collapse over La Cienega Boulevard. The Santa Monica Freeway is the most traversed interstate in the country. A quarter of a million vehicles a day go on the Santa Monica Freeway right over the La Cienega off-ramp. And the earthquake took place in January of 1994, and I happened to be by there, and one of the police officers let me go up, and I actually took a chunk of the Santa Monica Freeway. This has been sitting in my living room out in California for a long period of time. Most people think it is a piece of the Berlin Wall, but it is actually from the Santa Monica Freeway. We can see the rebars here, and this is obviously the freeway itself. And when it collapsed, we saw Southern California, clearly the most populous spot in the Nation, come to a standstill because of the importance of Interstate 10, the Santa Monica Freeway there.

Some projected that it would take as much as a year or 2 years to repair this freeway that had collapsed over La Cienega Boulevard. And Governor Wilson stepped up to the plate and did everything that he could to provide incentives to ensure that it got completed. He wrote a piece on this the day before yesterday in *The Wall Street Journal* in which he referred to the fact that people said it would take a long period of time.

They looked and established this contract with the Myers Company and they were told that they would have a \$200,000 fine for every day beyond what they had contracted for if they did not complete it, but they got a \$200,000 bonus, Madam Speaker, for every day that they got this completed earlier than had been projected.

As I said, some predicted it would take a year or 2 years to complete this. Madam Speaker, in 66 days the Santa Monica Freeway reopened, working 24 hours a day, 7 days a week.

This is the kind of incentive that we need to put in place to ensure that they deal with this circumstance. And, ironically, Interstate 10 is the exact same route that is going into New Orleans that collapsed following Hurricane Katrina and the breaking of the levees.

So I think that we have the ability to respond, to deal with this, and the United States Congress is in a position to make sure that we look at encouraging the most creative ways to address this challenge, look in a bipartisan way at these problems.

And we have set guidelines. We have got deadlines. But, obviously, if it is necessary, those can be moved if it is essential. But we have a desire to ensure that, as an institution, we come together as the elected representatives

of the American people to do our job. And I am convinced that we are going to have the ability to do that, and we look forward to seeing Members of both political parties join this very important effort, and I am convinced that they will be able to look at all levels of government and the private sector and get to the bottom of that.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, high talk from the majority follows the abysmally low performance of the Federal organizations that they oversee and that our people trusted to protect them in their hour of need. And today we are told it is our constitutional duty to find out why the government was so unable to protect life here at home during and after Hurricane Katrina.

I would like to remind our friends on the other side that one of our constitutional duties as representatives of the will of the people is actually to represent the will of the people of the United States. So let the record show that as of today, according to the Republican leadership, the will of the American people no longer matters.

The fact that 76 percent of the citizens of our Nation want an independent commission to investigate the Katrina disaster does not mean a thing. The fact that over 60 percent of Republicans want an independent commission does not register with them either. Apparently, the people of the United States are to be patted on the head and told, Do not worry. We will find out what happened here.

The fact that thousands of men, women, and children are dead; the fact that hundreds of thousands more have become evacuees in the richest country in the world shows that we do not have everything under control. The fact that we cut corners and underfunded those responsible for maintaining the levees that protected New Orleans by tens of millions of dollars only so that later thousands of lives would be needlessly lost, tens of billions of dollars would have to be spent cleaning up the mess left behind shows that we do not have anything under control. That is really a case of being penny wise and pound foolish.

And now, to show how seriously it takes its constitutional responsibility to get the government back on track, to show that it is not interested solely in rhetoric but also in results, the majority has seen fit to create a partisan political body, which we all know will care more about the political survival of the leadership than the actual survival of the people.

How do we know this? Because the committee put forth by the majority is intentionally designed to be partisan. It has a Republican majority. It includes subpoena power controlled by the majority. And the scope of the investigation will be the whim of the

leadership of the majority. The idea of having a truly bipartisan commission to investigate the tragedy was never seriously entertained. If it was, joint subpoena power would exist in this bill, as would joint control of the committee's operation, scope, and direction.

Instead of this, platitudes promising cooperation and shared power have filled this hall, leaving no room for a resolution calling for either a truly bipartisan committee or, what would be infinitely better, the creation of an independent commission which will actually eliminate politics from what will otherwise be an incredibly politicized investigation.

All of this is obvious to nearly every observer, and yet the leadership tells the Democrats if we are objecting to their Republican-first agenda, we, the Members of the minority, are being partisan. Apparently, in the wake of disaster comes hypocrisy.

Along with its assurances of a fair and honest investigation of the failures of the Federal response to Katrina, assurances which are the product of wishful thinking as opposed to a sincere review of recent history, the majority puts forth empty arguments in favor of this bill.

We created the Department of Homeland Security and FEMA, so only we can investigate it, they argue. That means that this leadership also helped to create the systemic problems which caused DHS and FEMA to fail. What exactly is their incentive to publicize their lack of vision and errors in judgment?

As the gentleman from California (Mr. GEORGE MILLER) said earlier today, it would be like nominating Enron to investigate stock fraud because they helped to perfect it, and it would not make much sense.

But the gentleman from California (Mr. DREIER) told us this morning that none of this matters. It would be absurd, he says, to think that any Member of this body would not want to get to the bottom of the failures. Madam Speaker, more absurd things happen in this House all the time. For example, some might say that appointing a man with absolutely no experience in emergency management to head the Federal Emergency Management Association was absurd, and yet nobody challenged that appointment until it was far too late.

Madam Speaker, I do not mean to say that the chairman and his colleagues do not care about improving our national preparedness for a future emergency, because I know that they do; but the fact that political pressures have in the past and will again in the future distort and in some cases destroy investigations of government failings when the investigations are carried out by us, this is so obvious that it should be beyond question.

The only real question left before us today is why does the majority find an independent commission to investigate the tragedy so objectionable? Would

any of them like to claim here that the 9/11 Commission was a mistake? They all voted for it. Should we reject the findings of that body? Should we here and now state that because it was not run by those managing the government on September 11, 2001, for that reason, what it discovered was illegitimate? Is there anyone here who would like to state for the record that the creation of the 9/11 Commission was an abdication and denial of our constitutional responsibility as Members of the House of Representatives?

Not one Member of this body would make such a claim, and yet the majority makes this claim about the creation of a similar body to investigate what happened on the gulf coast.

There is only one explanation for it. Dare I say this absurd stance is control. The majority wants to keep the investigation under its control so it can make sure that the answers that the committee produces toe the party line. Thinking about crass political considerations when Americans are dying and are homeless, that, and only that, is an abdication of our constitutional responsibilities as Members of this Congress.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, before I yield time to my friend from Pasco, I would just like to say over the last 24 hours I have been hearing about this ABC/Washington Post poll to which my friend from Rochester has regularly referred, and I have actually taken the opportunity to look closely at the poll itself.

We all know that when one looks at a public opinion poll, it depends on how the question is asked. We continue to hear that 76 percent of the American people support an independent commission and they do not want Congress to take this action. Actually, I looked at the poll itself, and I would like to enlighten my friend from Rochester, if I might. Question No. 19 says: "The Republican leaders of Congress have called for a full-scale congressional investigation of the government's hurricane preparedness and response effort. Apart from this investigation, would you support or oppose an investigation by an independent commission like the one that investigated the 9/11 attacks?" Seventy-six percent support that. Well, of course. Who would not support that? Who would not be supportive of that notion? But we continue that somehow the American people oppose having Congress do its job and they only want this independent commission of unelected people to do their job.

Then one has to look at Question No. 18 just before that. And I hesitate to raise this, but the fact that this public opinion poll has been continually utilized as the bible when it comes to consideration of our legislative proposal here, Question No. 18 says: "Do you think Democrats who criticize the way

the Bush administration has handled the hurricane response mainly want to find out what went wrong or mainly want to use the issue for political advantage?" And, Madam Speaker, 60 percent said that Democrats want to use this issue for political advantage rather than trying to get at what went wrong.

I would have never brought this up, Madam Speaker, had I not heard that 76 percent of the American people are opposed to having Congress do its job and instead want an independent commission.

Madam Speaker, I yield 3 minutes to the very distinguished gentleman from Pasco, Washington (Mr. HASTINGS), subcommittee chairman from the Committee on Rules and the chairman of the Committee on Standards of Official Conduct.

□ 1330

Mr. HASTINGS of Washington. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise today in support of House Resolution 437 to establish a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

Madam Speaker, Congress has an important constitutional role to play in providing oversight to the executive branch and Federal agencies. But more importantly, Congress has a responsibility to the people we represent to investigate the preparation and response efforts to Hurricane Katrina and make recommendations on how we can better prepare and respond to disasters in the future.

Madam Speaker, some of my colleagues on the other side of the aisle oppose the idea of a bipartisan congressional committee held accountable to the people and by the people who elect us. But, Madam Speaker, a bipartisan investigative committee held directly accountable by the people is exactly what is needed.

Because we never know when or where the next disaster will strike, it is vital that Congress move swiftly to investigate how local, State, and Federal governments, along with the private relief agencies, can better communicate with one another and coordinate the relief efforts. America must be better prepared to handle disasters in the future.

Madam Speaker, I am saddened that hours after Hurricane Katrina rescue and recovery efforts began, lawmakers were publicly pointing fingers rather than focusing on how to help the victims. Clearly, clearly in hindsight there are things that could have been done better. Only now that victims have been rescued and their immediate basic needs are being met is it appropriate that an investigation of what happened begin.

There is no question that Hurricane Katrina caused great devastation, the magnitude of which becomes more evident every day. But, Madam Speaker,

one of America's greatest strengths is our long-standing tradition of pulling together in times of need.

I am proud that in my home State of Washington, which is located 2,500 miles from Louisiana and the gulf coast, families are reaching out to help those affected. Communities are collecting food, clothing, and cash donations. For example, Washington apple growers have contributed truckloads of world-class apples to people living in Mississippi and the other hard-hit areas and throughout America. Families are opening up their homes, businesses are employing dislocated workers, citizens are traveling to the gulf coast region to help with recovery and rebuilding efforts, and schools are teaching children who have been displaced from their schools, homes, and friends.

America has been challenged by natural disasters in the past, and we will no doubt be challenged by disasters in the future. Only by Republicans and Democrats working together in a bipartisan fashion will the best interests of our Nation prevail.

Madam Speaker, there is much to be learned from this disaster. We must examine what worked, what did not, and what we need to do to be better prepared. The primary focus of this bipartisan investigative committee should be that we should begin to prepare for the disasters ahead and not to assign blame. I, therefore, urge my colleagues to support House Resolution 437.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), a man who knows of what he speaks.

Mr. TAYLOR of Mississippi. Madam Speaker, I recently heard the gentleman who represents Hollywood speaking about how it is somehow fair that the only Member of this body that I know of who was there on Ground Zero, who rode with the National Guard to distribute food because FEMA so thoroughly screwed up, who realizes that if it were not for the United States military doing FEMA's job for them, people would have starved to death, people would have died of dehydration, hospitals would not have gotten needed medical supplies, that I will not be allowed to subpoena witnesses.

So as a Member of this body who was elected by as good a margin as anyone else here, I do object that I could not ask for a witness, that I could not subpoena a witness to deliver the message that needs to be delivered about the lessons learned in Mississippi. We do not need to make the same mistakes when the next hurricane hits.

The bottom line is FEMA did make horrible mistakes that came very close to costing people their lives. FEMA could have avoided millions of dollars in unnecessary aerial replenishment of people that we could get trucks to, because they insisted on one point of delivery in a county where very few people still had cars that were running and those that had cars that ran could not get gasoline.

FEMA could have sent thousands of people on their way to their families in other parts of the State, but did not bring gasoline in for them. There are a number of mistakes that we never need to make again as a Nation. And I would hope that I would have the opportunity to subpoena some of the people that need to speak on this. It does not need to be Bush-bashing; it does not need to be anybody-bashing. It needs to be an honest account of what happened.

But how can we do that when one of the people that was at Ground Zero cannot ask questions of witnesses, cannot subpoena witnesses? Is that really fair? Does that really get to the solution of the problem? I do not think so. I think our Nation works best when we work together, and a 9/11-type commission composed of whoever needs to be subpoenaed is what we need to do.

At the end of the day, I am going to vote for a commission no matter how bad, because something is better than nothing; but the American people deserve for us to do it right.

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

Let me just respond to a couple of points. First of all, under consideration of the establishment of this select committee, we will be operating under the standard rules of the House. The standard rules of the House allow not individuals, but allow a committee to come together and determine who is subpoenaed. And I will tell my colleagues that I know with absolute certainty that the people who are providing the leadership of this committee will clearly want to be in consultation with the Democrats, with members of the minority to ensure that any witness who could help get to the bottom of this problem, to the root of this problem is called before the committee.

And I will tell my colleagues why. I do not represent Hollywood, California, by the way, I should say for the record; I represent areas around Hollywood in suburban Los Angeles, an area that has been impacted by a wide range of disasters.

I think it is absolutely reprehensible to believe that any Member of this House, Democrat or Republican, would want to do anything that would jeopardize the ability to find out exactly what happened leading up to Hurricane Katrina and exactly what happened in the aftermath of Hurricane Katrina. So I can assure my colleagues that I am convinced that everyone is determined to do that.

I should say that, as I sat down, one of my staff members reminded me that I mentioned this poll from The Washington Post and ABC that is the model, I guess, that we are following for the establishment of this committee; and even though it said that 60 percent of the American people believe that the Democrats would use this issue for political advantage rather than trying to get to the root of this problem, I do not believe it for one minute. I hesitate to say that the American people are

wrong, but I will tell my colleagues this: I do not believe that the American people are right when they claim, to a number of 60 percent, that Democrats do not want to get to the root of this problem, which is what they have said in this much-hailed ABC News-Washington Post poll.

Mr. TAYLOR of Mississippi. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Speaker, given the gentleman's desire to see that we get to the bottom of this, given that the gentleman is elected by a majority of the people from California, and given that I am elected by a majority of people in the most affected area, does the gentleman not think it would be fair that I would have the same right, as someone from the affected area, to subpoena witnesses as the gentleman from the west coast of this country would have?

Mr. DREIER. Madam Speaker, reclaiming my time, I will say that that is exactly what exists. The rules of the House that apply for the subpoena process for other committees in the House will apply similarly for this new select committee that is charged with dealing with this circumstance.

Madam Speaker, I am happy to yield 2 minutes to the gentleman from Lafayette, Louisiana (Mr. BOUSTANY), another individual who was victimized by Hurricane Katrina.

Mr. BOUSTANY. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of the resolution to create a bipartisan, bicameral congressional committee to investigate the local, State, and Federal response and preparation to Hurricane Katrina. As a member of the Louisiana delegation, I am not interested in polls. I want prudent deliberation, and I want substantive action.

Congress has the obligation and duty to conduct a thorough investigation to provide the American people with answers. The investigation must be expeditious and thorough, without interfering with the recovery efforts. The idea of an independent commission is not the best option.

It is the responsibility of Congress to look at the Federal agencies this body created to respond to disasters. It is the responsibility of Congress to identify the deficiencies and correct them.

As a result of the 9/11 Commission, Congress responded with legislation based on their recommendations. Now is the time for Congress to provide scrutiny on how the law was implemented.

A separate so-called independent commission would simply be a redundant step. The American people demand prompt answers and solid solutions to the bureaucratic and legal hurdles that were impediments to the response to Hurricane Katrina. I personally experienced these.

As a member of the Louisiana delegation, I also believe that the Members

from impacted regions must have a participating voice in the investigation to provide firsthand knowledge of frustrations and impediments that our offices confronted. It is urgent that deficiencies in command, control, communication, and response be corrected. A bipartisan, bicameral congressional committee for oversight and investigation is the first step.

I urge my colleagues to support this resolution so that Congress can exercise its duty and obligation to the American people.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, I rise in strong opposition to this partisan resolution that spits in the face of the American people's call for a robust inquiry that is independent of politics.

Yesterday's report by the 9/11 Commission provides data to back up what every American learned by watching the government's dismal response to Hurricane Katrina: that 4 years after 9/11, our Nation is still not prepared to respond to a major crisis, in this case a disaster that had been predicted, gameplayed in an exercise run by FEMA, and which we knew about 24 hours in advance.

As the relief and recovery process continues and the rebuilding process begins, the American public must have complete confidence that their government is up to the task. Unfortunately, the Republicans have chosen to play politics and flaunt the will of the American people by instead proposing a select committee that is not bipartisan, that will not have an equal number of Democrats and Republicans, and will not have bipartisan subpoena power.

Let us be honest. How can the American people trust this Congress to not only investigate this administration but also Congress itself? Because the actions of the Congress are definitely one of the things that needs to be investigated. The Republican Congress was responsible for cutting the budget of FEMA and the funding for the levees around New Orleans. An outside evaluation of Congress's actions is needed, not an internal review.

Can the American public all of a sudden expect the Congress to investigate this administration after 4 years of basically no congressional oversight? Yes, the rules of the House have been used to stifle honest, robust inquiry. This is the Republican Congress that has not conducted true oversight hearings into the decision to go to war in Iraq, the lack of a success strategy in Iraq, the outing of a CIA operative, among many others.

So we can stick our heads in the sand and pretend the government has handled the recovery well and basically do nothing, or we can appoint a truly

independent commission to help avoid these mistakes in the future. The vast majority of the American public supports the establishment of an independent, bipartisan commission so that the inquiry focuses on the facts instead of getting bogged down in partisan politics.

That is why the gentleman from Florida (Mr. HASTINGS) and I introduced legislation to establish an independent, bipartisan commission modeled after the successful 9/11 Commission to investigate the government's response to Hurricane Katrina and make recommendations for reforming the Nation's disaster response system.

The commission would be charged with evaluating what the government could have done to avoid the mistakes that exacerbated the crisis faced by hundreds of thousands of Americans along the gulf coast and caused untold loss of life. I mean, how is it possible, for example, that 4 years after September 11, our local first responders still do not have interoperable communications systems that can talk with each other as they carry out their life-saving work? That is why the commission would have the full authority to question the government officials, examine government documents, and hold public hearings.

Finally, I want to remind my colleagues that despite overwhelming public support, it took months to overcome White House opposition and establish a 9/11 Commission, basically only getting the President and the Republican Congress to that point by dragging them along, kicking and screaming. We have heard all the same lame excuses we heard today as we did when we were trying to establish the 9/11 Commission.

Today, there is unanimous agreement that the commission had the courage to ask the tough questions that Congress did not and that developed reforms that, if implemented, would make our Nation safer. That is what we need to do. Let us create an independent commission. Let us not deceive the American people through this committee that will do absolutely nothing to get to the bottom of the problem.

□ 1345

Mr. DREIER. Madam Speaker, I have listened to these terms: "sticking our head in the sand"; "ignoring the problem." I have no idea what anyone is talking about when they say things like that. It is absolutely absurd to believe that any Member of this institution does not want to do everything possible to ensure that we find out what happened leading up to Hurricane Katrina and what has happened since Hurricane Katrina has hit.

Because we, at this moment, live with the threat of Hurricane Ophelia off the Carolinas, so we are moving as expeditiously as possible to get this bipartisan committee put together, where the committee itself will deter-

mine how someone is subpoenaed, just as is the case with every committee.

I hope very much that the gentleman from Mississippi is appointed to serve as a member of this select committee. He obviously has strong feelings. He has made it very clear that, as someone who was victimized by Hurricane Katrina, he should in fact be able to subpoena; and I can assure him, under the standing rules of the House, as a member of the committee, if the minority leader chooses to appoint him to that committee, he will be able to participate in determining who testifies before that committee.

So we are in this together, Madam Speaker, whether Members like it or not.

Again, I do not believe that Washington Post poll that the Democrats want to use this for political gain. I believe the Democrats, along with Republicans, want to find out exactly what has created this challenge at all levels of government and even in the private sector, with which we are contending at this point.

Madam Speaker, I yield such time as he may consume to the gentlemen from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, reading the resolution, it simply says that there is hereby established a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

There is so much we can learn, so many missteps, but so many things that were done right. And I think it is time for us to come together.

I have served in this body now 25 years; and in that 25 years, a little over half of it was under a Democrat House and Democrat leadership, Tip O'Neill, Jim Wright, three Speakers in all on the Democrat side. And I can tell you, the ratio of this committee, we would have just rejoiced in getting 9 out of the 20 spots during that period of time. I think it is tremendously fair, and I think the Speaker has been very fair in what he has talked about.

Now anyone in this House that would suggest that any Member of this House or any Member of either party would whitewash or push something under the rug that could mean the life and death of the American people or the destruction of property because it is politically expedient, I just cannot imagine that. I cannot imagine that possibly happening.

There is going to be good people appointed to this committee, and they are going to be people that really care. And I think after they look at it and after this report comes out, the American people will have faith once again in their Government.

You know, criticism has always been made suggesting that Congress cannot have oversight over the laws that we pass ourselves. What do we do every day? We do that in committees every day. We have hearings. I do not care whether it is a Ways and Means Committee, the Appropriations Committee,

Transportation Committee, whatever committee we are talking about, we are constantly examining and reexamining the laws that we have passed and the laws that have been passed by previous Congresses. That is our job. That is what we are supposed to do. And for us to suggest or for me to suggest that we need to push this off to some independent body and not do it ourselves does not make a whole lot of sense.

And, by the way, one of the recommendations that came out of the independent body from 9/11 was to put FEMA under Homeland Security. Now everybody is clamoring, saying that was a mistake. I think it was a mistake, and I think we need to very closely examine what we are doing.

We need to do something else, too. We have appropriated an awful lot of money to be spent down in that area, and we are going to appropriate a lot more. I think the President estimated that it could be \$200 billion. And we have to watch and see how that money is being spent.

We saw FEMA make some big mistakes in the past down in Miami/Dade County, where they were paying for funerals last year where there was not a hurricane. They were paying for funerals where there was not even a corpse. They were paying for all kinds of things, and that area should have been actually taken out of the disaster relief area when it was passed.

So this the committee has a big, big job; and it should be done in the Congress. I do not want an oversight committee, independent of the Congress, not elected people, that are overseeing it and seeing how this money is being spent, \$200 billion of American taxpayers' money.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, Democrats want to make sure that we help the victims of Katrina first; secondly, we want to make sure that there is oversight on the money that we are spending, a lot of money; and, thirdly, we want to have an oversight, meaningful, in depth, honest, searching, courageous as to why the Federal Government was so inept in its response and so late.

The good news is that the men and the women of the National Guard, the Coast Guard and other elements of the Federal Government are now acting so courageously and effectively. That is what we want, and that is why we oppose this bill which would create a partisan congressional committee to investigate the inept Federal response to Katrina. Because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

I will ask my friend who chairs the Rules Committee, who used to come to this floor on a regular basis and say, when Democrats were in the majority, why will you not allow us to consider an alternative? Are you afraid that the

majority of this House will say, yes, a commission is the right way to go? Are you afraid that you cannot keep your Members in line? Are you afraid and therefore do not give us an amendment, do not give us a motion to recommit with instructions?

What is the fear? It is the fact that you are so focused on not having meaningful oversight, of keeping it in-house, of not having independence, that you do not allow us and the American public's representatives to have that alternative considered on the floor.

Ladies and gentlemen, oppose this resolution and continue to demand an independent commission, just as the American people want. We did it with 9/11. We can do it with Katrina. We can do the work that the people expect us to do. Vote against this resolution.

Madam Speaker, let no one be mistaken about why Democrats oppose this legislation.

We oppose this bill—which would create a partisan congressional committee to investigate the inept Federal response to Hurricane Katrina—because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

We are not alone.

In fact, a Washington Post-ABC news poll revealed this week that 76 percent of Americans support an independent commission.

Some Republicans support such a commission, as well.

Just this week, the Republican Senator VITTER of Louisiana—whose constituents were directly affected by this devastating hurricane—expressed his support for a commission.

Yet, Madam Speaker, this Republican majority today has denied Democrats the opportunity to even consider the bill offered by Mr. HASTINGS, which would create such an independent commission to investigate the local, State and Federal response.

Let's be clear: There is not bipartisanship coming from the other side of the aisle regarding the creation of real oversight.

The Speaker and Senate majority leader announced this proposal without even consulting Democrats.

The reality is, if this Republican majority were charged with investigating the actions of a Democratic administration, there is no doubt in my mind that its oversight would be real and vigorous.

But as the columnist David Broder pointed out recently: "Majority Republicans see themselves first and foremost as members of the Bush team—and do not want to make trouble by asking hard questions."

This majority has refused to conduct oversight over this administration during the last 4 years.

Why should we believe that it is prepared to fulfill its constitutional responsibilities now? We have no basis for believing that. And, that is why an independent commission is needed.

I urge my colleagues to vote against this bill.

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

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, calling this partisan Republican scheme

"bipartisan" reminds me of those tin-horn dictators who attempt to mask their authoritarian regimes by calling their countries "democratic."

We need an independent citizens commission like the 9/11 Commission to explore the failures of every level and every branch of Government. The administration and its House Republican cohorts oppose this independent citizens commission just as they opposed the 9/11 Commission and just as the administration erected roadblocks to that Commission's work at every turn.

I say to them: Save the stonewall to rebuild the levees. With thousands stranded, this administration would not lead, and now it wants its buddies in the Congress to lead the cover-up.

As with the formation of the 9/11 Commission, if enough Americans get informed and demand a genuine, independent investigation, we can end this Republican charade.

Our safety demands real accountability. With such incompetence and indifference, what reason is there to believe that what we have witnessed might not happen in our own backyard, that the fate of those we saw in New Orleans would not be the fate of other people, be they poor folks in the Rio Grande Valley from hurricane, flooding or any other disaster, be it human-caused or natural or both? Without knowing objectively what, why, and how the rescue mission failed, there is no way to ensure that the horror that we have seen would not be repeated in our own communities.

There is nothing to prevent these folks from having all of the congressional investigations, all of the budget hearings that they want to have. What we are asking for today is that you not have a sham "bipartisan" commission. You bring in the citizens from around the country and have the kind of independent inquiry that led to a best-selling book, by the 9/11 Commission.

We owe it to the dead, to the displaced, to all who could become the next victims of a catastrophe to support a true and genuine, independent inquiry.

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

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCARELL), a member of the Homeland Security Committee and ranking member of the First Responder's Committee.

Mr. PASCARELL. Madam Speaker, and so it continues. This is a partisan, counterfeit commission if I have ever seen one proposed today, and I have two simple questions: Will the administration escape accountability again? And the second question is this: Will the administration get away with another failure?

Please note the word "escape". In fact, if you look in the Bible, the Old Testament, Leviticus, chapter 16, verse 8, we find the origin, the etymology of the word scapegoat, the goat that departs.

In scripture, you had two goats. One was sacrificed for our sins; the other escaped, was let go. That is from the English word scapen, the Old English, a form of escape.

So, Brownie, he was sacrificed, and yesterday all of his minions resigned, all of these people that were hired. We better have an objective review of what happened. We better have an objective view, or else we are never going to get to the truth.

This is the most redactive, the most secretive administration in the history of the United States. It has nothing to do with political partisanship either. None whatsoever.

We have seen it repeatedly. This is the administration that can show negligence, ineptitude, and dangerous arrogance without ever enduring the burden of even limited liability. Policy disasters abound, yet culpability is never encountered.

□ 1400

No one who has followed the workings of this body believes that a commission made up of apologists will ever hold the administration accountable for anything.

This is far too important for business as usual. I implore my colleagues to vote against the bill, to demand the creation of a truly independent commission. It worked 4 years ago. It will work now.

I do not think there is anything wrong with this. And when you talk about the ability to subpoena, the majority will have the right to oversee whether we can subpoena particular people. This is phony. All we ask for is to let us come together. We agree we need to send help down there. We are doing our best, both sides of the aisle.

Let us have an independent review of what has happened and what is going on. We are talking about people's lives here.

Mr. DREIER. Madam Speaker, coming together is what this is all about. This is a bipartisan committee that has been proposed by the Speaker, and we look forward to seeing those minority Members who are going to be part of this process.

Madam Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the very distinguished chairman of our Subcommittee on Budget and Process Reform.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a curiosity to see how our friends on the other side of the aisle have now discovered, it seems like they discovered the Mediterranean today when they say that independent commissions in their view, so-called independent commissions, are not political.

It is not by chance, Mr. Speaker, that the first article of the United States Constitution created the Congress, article I created the Congress. Among the duties of the Congress, constitutional duties of the Congress, is the responsibility of oversight.

When a so-called independent commission is created, we have to ask ourselves, who funds the independent commission? Congress, created by the first article of the Constitution with the duty of oversight.

Who appoints, Mr. Speaker, the so-called independent commissions? Congress or if Congress authorizes the President, the President authorizes. The decision is ours. Ours is the duty under the Constitution to investigate. Ours is the duty to carry forthwith oversight.

What we are doing today is trying to do our duty in creating a bipartisan committee of this House with the solemn obligation of investigating this tragedy, this ongoing tragedy that is going on now in the gulf States, and to do so as soon as possible.

I am proud of the fact that the House is bringing forth this measure today, proud to support it; and I ask all of my colleagues to do so as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I want to address the House on this subject that is before us today. I have served in the Congress for 30 years, the first 19 in the majority, the last 11 in the minority, so I have seen life from both sides. And let me tell you, today is one of the low moments.

We have just experienced a national tragedy that has caused immeasurable pain to countless Americans, and yet here in the House of Representatives, nothing seems to have changed. The House is not rising above raw partisanship even in a time of national tragedy.

Republicans are saying, well, we should just trust them because they have created something they are calling bipartisan. Well, the right way to create something that is bipartisan is for the two parties to talk. Instead, the Republicans met among themselves without talking to the Democrats and have proposed this select committee on a take-it-or-leave-it basis.

The majority cannot define bipartisanship for the minority. The majority has to make the real effort and be willing to do some work, maybe hard work with the minority to achieve bipartisanship.

Well, why are we suspicious? They did not talk to us. The committees in the House and the Senate that have oversight jurisdiction were starting to hold hearings and suddenly the Republican leadership said, well, we are going to have a House-Senate committee. And suddenly it is not a House-Senate committee; it is a select committee.

Well, look at the record how Republicans have done oversight. Have we really looked at how the White House used the intelligence, as faulty as it was, that was the basis for going to war in Iraq? No, we have not had hearings on that. We have not looked at that.

Has the House looked at the question of the outing of a CIA agent by people

in the White House in order to punish her husband who was critical of the Iraq war? No, no hearings on that.

The actuary working for this administration withheld from Congress on the costs of the Medicare prescription drug bill. Should we not try to find out what happened? Both Republicans and Democrats were denied the facts before we voted on the bill. No, nothing on that.

We had more hearings when the Republicans were in charge and there was a Democratic administration on whether President Clinton misused his Christmas card list for political purposes. That meant 7 or 8 days of hearings. But we cannot get hearings on these important subjects. And now we are told there is a bipartisan committee, a select committee, that is going to look into this matter.

Well, if you really wanted bipartisanship, I say to my Republican friends who run the House, you need to at least talk to the Democrats and make an effort. But when you do not make an effort and you have a record of abusing the power that you have in running this institution and ignoring the oversight responsibilities on really important matters in order to protect a Republican administration from possible embarrassment, we have no confidence whatsoever that we are going to get to the facts of what went wrong in dealing with Hurricane Katrina.

We need to rise above this raw partisanship and join together, if not on an independent commission which I think makes the most sense, at least on a committee that is equally divided, with the powers equally divided, where the intent is to work together. But we looked at what is being proposed, and the only conclusion that many of us can reach is that this is going to be a committee to pretend to do an investigation but not find out the truth.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, following Hurricane Katrina there are many questions that must be answered. To answer them this body should create a bipartisan commission of experts to investigate the failures and flaws of the system just like we did after 9/11, which I would like to remind my colleagues led to enactment of legislation that helped this country protect itself because the process had integrity.

The enacting and recommended legislation also received bipartisan support. The purpose of a 9/11-like independent commission is not to fix blame, but to fix a problem. And what we are debating today is not sufficient because if it were truly bipartisan, it would be bipartisan from this point of origin. And the beginnings of this commission, or the beginnings of this select committee, do not bode well for what was intended as a bipartisan effort by both Democrats and Republicans to find out

what happened and what needs to be done.

Rather than debate a bipartisan commission, what we are debating today will amount to nothing more than a whitewash because of the long list of items that my colleague from California (Mr. WAXMAN) just mentioned. From the intelligence failures to the true cost of the prescription drug bill, all these missed opportunities were left purposefully and consciously, not looked into, not asked into. If you do not think you have a problem, you will not fix a problem.

Mr. Speaker, hundreds have died, thousands have lost everything, billions will be spent rebuilding the infrastructure and people's lives. The stakes are simply too high not to know what went wrong.

Look what happened today in the New York Times. Michael Brown, the former head of FEMA, talked about where the Louisiana Governor failed, but also talked about where Secretary Chertoff failed. Brown's statement can probably be discounted somewhat as sour grapes, but recent stories by KnightRidder and others raised serious questions. KnightRidder raised questions about whether Mr. Chertoff delayed the Federal response. Memos were written to him, and according to a Presidential directive, he had authority and control and did not act for over 36 hours and was nowhere to be found.

While everyone has blamed Mr. Brown, it was Mr. Chertoff who was responsible for managing the national response plan according to the Presidential directive.

At the same time, an independent commission could monitor the contracts awarded during the reconstruction. Already a disturbing trend has emerged of awarding no-bid contracts, reconstruction contracts, to politically connected firms.

USA Today points out many of these companies have been fined millions of dollars for overbilling the government during hurricane rebuilding efforts and other government projects. In fact, one company is fined a \$3.2 million fine for what they overcharged during Hurricane Hugo. So the same cronyism that led to Mr. Brown's appointment is now guiding the awarding of contracts to the rebuilding of New Orleans.

We need a 9/11-type commission, an independent commission, that basically takes the facts where they lead them, has the integrity of this body and the American people and the confidence so they can recommend the changes. Because after 4 years from September 11, what we saw and over the last 3 weeks is not the best of America in the sense of government's response. We saw the best of America from the American people, and we now need a commission to make sure that we finally fix our response for when a natural disaster or other type of disaster hits this country. We need a bipartisan 9/11-style commission.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I never rise on this floor addressing the question of Hurricane Katrina without thanking all of the enormous outpouring from Americans of charity and concern, particularly commenting on my city and my State that have welcomed now almost 245,000 survivors into the State of Texas and now close to 100,000-plus in Houston, in my congressional district and other congressional districts in the area.

One of the first things I did in visiting those survivors in the Astrodome was to apologize on behalf of the Federal Government. Each meeting I subsequently went to and each time I was able to touch a survivor or hear their story of pain, I again apologized for the complete collapse and ineffectiveness of our ability to deploy in advance of Hurricane Katrina, to be able to be on the ground with resources whether they be the National Guard or the military or FEMA or anyone else that might have contributed to the saving of lives or, in fact, providing the survivors with a pathway out of Mississippi or Alabama or New Orleans.

So I accept and respect the apology and the acceptance of responsibility by the President, by the Governor and anyone else who chooses to do so, because the Federal Government is a safety net; and I think Americans understand that. But, Mr. Speaker, moving checkers on a checker board is not, in fact, a solution to our problem. So we cannot make, if you will, anew something that is broken.

The idea of a commission similar to the 9/11 Commission speaks volumes for the accuracy and the responsibility that so many elected officials have spoken about. Be reminded that the 9/11 Commission working in a bipartisan fashion, equal numbered in population, if you will, reflecting different views, was able to bring out the dirty laundry but also the good points. They reminded us that one of the key elements of failure in 9/11 was the lack of interoperability. As a member of the Homeland Security Committee of the Congress, I believe a 9/11-type Commission for Hurricane Katrina would pay tribute to the survivors and deceased alike and provide America with the necessary truth!

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

□ 1415

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time.

My heart and the hearts of those I represent are with all who have been devastated by Hurricane Katrina. We know a bit about what it is like to have devastating loss in a flood. The

City of Grand Forks flooded in 1997. Fifty-seven thousand people were evacuated, but the Federal response was immediate and lives were saved. Here, the Federal response failed and lives were lost. We need to know why.

This is about learning what happened so it never happens again; and no Republican controlled, no congressional, partisan hearing process could ever get to the bottom of it. We need an independent commission. It literally is a matter of life and death, no partisan whitewash. We need an independent commission so we learn what happened so it never happens again. Lives are at stake.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from New York for the time.

The citizens of Louisiana, Mississippi and Alabama deserve nothing less than the citizens of New York and New Jersey and Connecticut, those in Pennsylvania and our own Pentagon who received an independent commission, one that was heralded for its results and for its independence and its ability to work together. It served as both healing the Nation and bringing people together.

The citizens of those States, the residents of the city of New Orleans deserve the same as the great City of New York. The citizens who were stranded in the Superdome or in the convention center deserve nothing less than what this Nation received with an independent commission.

The spouses of so many of our Members, who have not been recognized at all, deserve nothing less than to make sure the efforts that have gone on already and the answers that everybody seeks are provided by an independent commission, an independent commission blessed by both the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI), coming together in the way that we should as a country.

We all stand prepared to work together. The citizens of Louisiana and Mississippi and the great City of New Orleans deserve nothing less.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the United States of America has gone through the worst natural disaster in our Nation's history. Time and time again, we have been hearing people say that. It is unimaginable what people have gone through. I have to admit I cannot imagine the suffering. I have seen it on television, I have heard it reported by my colleagues on both sides of the aisle who have been victimized themselves, but it is impossible, it is impossible to imagine how horrible this has been.

We do know one thing, both President Bush, Republican, and the Democratic governor of Louisiana, Governor Blanco, said that mistakes were made

leading up to Hurricane Katrina and mistakes were made in the aftermath of Hurricane Katrina. Everyone has acknowledged that.

We have an opportunity, we have an opportunity to come together, as we have in previous disasters, and deal with it, meet our constitutionally mandated responsibility for oversight of the executive branch to investigate and look at what happened at all levels of government, local government, State government, the Federal Government, even the private sector. We have a chance, Mr. Speaker, now to do that.

That is exactly what the gentleman from Illinois (Speaker HASTERT) has proposed, working with our colleagues in the other body, to come together with a committee that will allow Members of both political parties to raise any question that they want, to allow this committee to have the authority to subpoena witnesses, bring them forward. I have to say that it is very obvious to me that this is our chance to do it.

We are dealing with a hurricane right now in the Carolinas. We are dealing with other potential disasters on the horizon. I believe I have a responsibility to the people whom I represent, I have a responsibility to all the American people, just as we all do, to make sure that the problems that we faced leading up to and in the aftermath of Hurricane Katrina never happen again.

Mark my words, everyone, Democrat and Republican alike, wants to ensure that we are able to address those concerns. That is exactly what the establishment of this commission will do.

I am perplexed, Mr. Speaker, with the arguments that I have heard from my colleagues on the other side of the aisle. They want to increase their level of participation, they want to be able to get to the bottom of this, and yet they are saying let us give up our responsibility under article 1, section 8 of the Constitution that charges us with this duty.

This is our responsibility. This is a very important part of the reason the American people elected us as representatives, to come here and do their bidding, to do their job, to make sure that we find the answers to these very important questions.

I hope that we will be able to have that sense of solidarity, and so I am saying on behalf of the gentleman from Illinois (Speaker HASTERT), I know that he looks forward to having our colleagues on the other side of the aisle appointed, along with those who he will appoint to serve on this very important committee, and with that, with our quest of trying to ensure that we never go through what we have gone through in the past several weeks, I urge support of this very important resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 437, establishing a select bipartisan committee to investigate the preparation and response for Hurricane Katrina.

We have all spent much of the past two weeks witnessing and examining the aftermath of this catastrophic disaster. It has become increasingly clear that local, State, and Federal Government agencies failed to meet the needs of the residents of Louisiana, Mississippi, and Alabama. Now it's this Congress's job to figure out why, and to make sure we as a country are better prepared for the future.

First and foremost, our thoughts and prayers go out to the hurricane's victims, their families, and their friends. The loss of life, of property, of livelihoods and dreams has been enormous. And we salute all Americans who have stepped to the plate to help in any way they can.

Congress has a responsibility to conduct oversight, but at this stage, the oversight needs to conduct oversight in a manner that does not interfere with rescue and relief efforts. Many questions need to wait; no one wants to take people away from the massive job at hand.

But I also think some issues can and should be looked at now. Members want to begin doing oversight, and the American people are demanding it as well.

The formation of a bipartisan select committee, composed of Members from the numerous House committees that bear responsibility for various aspects of our Nation's failure to respond to this disaster, would enable this Congress to take a thoughtful.

Whatever the threat, Katrina has forced officials across America to take another look at disaster plans that may not be as solid as they previously thought.

It has forced officials across America to take another look at the laws and regulations governing disaster response to identify ways to cut bureaucratic red tape in order to respond as quickly as possible.

This is not the time to attack or defend government entities for political purposes. This is a time to do the oversight we're charged with doing. Our goal should be to investigate aggressively what went wrong and what went right. We'll do it by the book, and let the chips fall where they may.

It's hard not to point fingers and assign blame in the aftermath of tragedy. I understand human nature, and I understand politics. But I think most Americans want less carping and more compassion. I think most Americans want a rational, thoughtful, bipartisan review of what went wrong and what went right. I think most Americans want to know we'll be better prepared the next time.

It remains difficult to understand how government could respond so ineffectively to a disaster that was predicted for years, and for which specific dire warnings had been issued for days. If this is what happens when we have advance warning, I shudder to imagine the consequences when we do not. If ever there were a time for leaders at all levels of government to come together and review and coordinate their emergency plans, it's now.

Some people are suggesting that only an independent body could properly investigate the Katrina tragedy. I think that point of view diminishes this House and the Members of this House. The voters didn't send us here to appoint commissions to do our jobs for us.

All over this country Americans are digging deep and making sacrifices. If we can't lead this Country then let's at least follow their lead and stand up and do our job.

Mr. HONDA. Mr. Speaker, I rise in strong opposition to House Resolution 437, legislation that proposes to establish a partisan committee to investigate the Bush Administration's clumsy response to Hurricane Katrina. This Congress has a proven history of lax oversight of the Administration, and I do not believe it can be trusted in this case to undertake a truly independent and probing inquiry.

Like most Americans, I welcomed the resignation of FEMA director Michael Brown. He proved himself grossly under-qualified for the important job of FEMA chief, the key position for coordinating governmental response to domestic catastrophes. His previous professional experience with the Arabian Horse Association proved inadequate training for the awesome challenges any FEMA chief can expect to face. Mr. Brown's appointment to this critical position, when compared to his woeful qualifications, reveals a disturbing willingness to place cronyism over competence.

Mr. Brown's unjustifiable appointment to FEMA is not the only outrage in the Katrina tragedy. President Bush himself has acknowledged his own failure and that of the entire Bush Administration. As the floodwaters rose and the cries went out from stranded victims, George Bush seemed not to notice. Only when his handlers realized the gravity of the situation—days after federal action could have pre-empted untold numbers of deaths—did the President rouse himself from the vigors of ranch life and deign to respond. This he did by cutting his five-week vacation short by two days, and dipping the wing of Air Force One as he jetted by.

The American people witnessed the Bush Administration negligent response to Hurricane Katrina, and they want a full account of the political and systemic shortfalls that contributed to the inept and late federal response. That is why so many Americans oppose a partisan committee like the one proposed in this legislation. In fact, 71 percent of the public said that the proposed congressional investigation would "get bogged down in politics" rather than "focusing on the facts."

Such skepticism is well-founded. The Republican majority of this Congress consistently refuses to ask tough questions of the Administration or hold it responsible for its misguided policies and outright dishonesty. The Congress, for example, did not probe the Administration's faulty rationale for war with Iraq, unlawful disclosure of a CIA agent's identity, deceptive cost estimates for its prescription drug proposal, and unethical dealings with energy lobbyists. Having turned a collective blind eye to these wrongdoings, there is no reason to believe that Congress will suddenly reverse course and put national interests above their political loyalty to President Bush.

A recent poll revealed that 76 percent of Americans support the creation of an independent commission akin to the one formed by Congress after the September 11 terrorist attacks. My Democratic colleagues and I have proposed just such a commission to examine the conduct of the Federal Government, including the Congress, before, during, and immediately after Hurricane Katrina swept through the Gulf Coast region.

Many in Washington, DC prefer a partisan inquiry into the Federal Government's response to the worst disaster in a Nation's history, but my constituents have been clear: the government's response was appalling and

they want a full and independent investigation. They want to know the truth, so that in the future, such tragedies are minimized and responded to with speed, skill, and experience.

Mr. LEVIN. Mr. Speaker, this is a very important debate for our country. I cannot imagine anything more important to the American people than an independent investigation of why the response to Hurricane Katrina fell so short of expectations. We need a full accounting of what went wrong at all levels of government so such failures don't happen again.

I support the appointment of a non-partisan, independent commission—modeled after the successful 9/11 Commission—to investigate the response to Hurricane Katrina. An independent commission is the only way to get to the bottom of this. The commission would look into every aspect of the preparation and response to Hurricane Katrina, and let the chips fall where they may. The American people have made it clear this is what they want as well. A new Washington Post/ABC poll found that 76 percent of the public supports the creation of an independent commission. The Leadership of the House badly misreads the public mood when it disregards the clear wishes of the American people for a non-partisan investigation. We need to look at our government's weaknesses and correct them.

I oppose the straightjacket procedure under which the House is considering this legislation. The Majority calls this a "Select Bipartisan Committee," but the legislation was drafted behind closed doors with no input from Democrats. This is bipartisanship? The Leadership of the House will not even allow Democrats the opportunity to offer a substitute and have a straight up-or-down vote on it. Is the Majority's position so weak that it cannot withstand a debate?

I don't think the American people are going to have much patience for partisanship on this issue. They want answers and a measure of public accountability, not a partisan whitewash. There are hard questions to be asked about the slow, disorganized, and woefully inadequate response to a natural disaster that left a major U.S. city uninhabitable.

The proposal before the House calls for a House investigation that would be completely controlled by the Republican party. Republicans would outnumber Democrats on the Committee 11 to 9. There would be no bipartisan subpoena power. With all due respect, this would be an investigation in name only. It would have no credibility with the American people. You can't have a comprehensive and fair investigation when the people controlling that investigation have a vested interest in the outcome.

I urge the House to reject this unfair procedure and reject the very partisan investigation it seeks to establish.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Res. 437, which would establish a partisan committee to investigate the Hurricane Katrina preparation and response. I agree with the vast majority of the American people, who favor an independent commission of experts similar to the 9/11 Commission.

Perhaps the American people, like me, are skeptical of the investigative integrity of the Republican Majority. After all, these are the same people who took more than 140 hours of testimony to investigate whether the Clinton White House misused its holiday card database but less than five hours of testimony

about prisoner abuse in Iraq. The Downing Street Memo has sent shockwaves through the world and confirmed our worst fears about the Iraq war sham, but mum's the word from Republicans in Congress. You also won't find a single committee hearing about Valerie Plame, no-bid Halliburton contracts, or U.S. citizens being imprisoned without a trial.

However, now they say that we should trust them to do a thorough investigation and not hide any damaging evidence regarding the woefully inadequate response to Katrina. Given their history, I think the American people deserve better than an empty promise. It is an insult to the thousands of dead, the victims of rape at the Convention Center, the people who waited five days for buses that never came and so many others who suffered needlessly, to suggest that one year before an election, this Republican Congress is going to pursue indictments not only of their President, but of themselves.

After all, the senior Members of Congress who would populate this Committee are the same ones who advocated moving FEMA into the Homeland Security Department, zealously pursued the downsizing of disaster prevention and response programs, starved wetlands restoration and Army Corps of Engineers funding, and presided over rising poverty rates that make Americans all the more vulnerable.

These foxes have already systematically dismantled the henhouse, sat idly by while the hens suffered, and now want to appoint a committee of foxes to find out what went wrong. I vote no on this ridiculous proposal.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 439, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) was on his feet.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution

440 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889.

□ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, authorizes funding levels for the Coast Guard in fiscal year 2006 and makes several changes to current law related to the Coast Guard and to the maritime transportation system.

This bill is the result of a bipartisan effort; and I greatly appreciate the efforts of the bill's original co-sponsors, the gentleman from New Jersey (Mr. LOBIONDO), the subcommittee chairman; the gentleman from Minnesota (Mr. OBERSTAR), the full committee ranking member; and the gentleman from California (Mr. FILNER), the subcommittee ranking member.

This bill provides the Coast Guard with the necessary resources and authorities to protect the safety and security of lives and property on U.S. waters.

H.R. 889 authorizes a funding level of nearly \$8.7 billion for the Coast Guard for fiscal year 2006. This authorization level includes an amount of \$1.6 billion to accelerate the delivery of new vessels and aircraft as part of the deep-water program. The Coast Guard's legacy fleet is deteriorating at an unacceptable rate, endangering the safety of the Coast Guardsmen on board and the general public.

We must provide the Coast Guard with these new assets, and I urge my colleagues to support full funding for this program this year and in future years.

As this body's only licensed mariner and the representative of the State that includes more than half of this Nation's coastline, I recognize the importance of making certain that the Coast Guard has the tools necessary to carry out its many and varied missions.

Earlier this year, the Coast Guard responded to a major oil spill in my

State and in the district of subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO). While the Coast Guard has recently received a great deal of attention for its important homeland security missions, we must be mindful of the requirements of the Coast Guard's equally important traditional missions.

Mr. Chairman, all of us recognize the exceptional work done by the Coast Guard, often under dangerous conditions in Alaska and all around this Nation.

Mr. Chairman, as I am reminded with the Katrina hurricane, the outstanding agency that worked the best and did their job with honor and dignity was the United States Coast Guard. I am very proud to be affiliated with them, and I urge the strong support of this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

As the gentleman from Alaska (Mr. YOUNG) indicated, this legislation is in the great spirit of our committee, a bipartisan product. We worked together long and hard to bring to the House a reauthorization of the Coast Guard.

I commend the gentleman from New Jersey (Chairman LOBIONDO), the chairman of the subcommittee, for his dedication, his commitment to the Coast Guard, and for not only legislative reasons but for personal reasons. The gentleman has a long history with the Coast Guard.

I concur with the gentleman from Alaska (Chairman YOUNG). Flashing across television screens, across the country since the onslaught of Hurricane Katrina has been the extraordinary accomplishment of the U.S. Coast Guard in responding to the needs of citizens stranded, devastated by the storm.

Some 32 years ago, I took the opportunity to spend a day with the 8th Coast Guard district commandant and his staff and reviewed the entire range of operations of district 8 in their 26-State area of responsibility, not just New Orleans or the gulf. It is 26 States up to Mississippi, Ohio, Missouri, Illinois, the river system for which that district has jurisdiction.

The men and women of the Coast Guard are extraordinarily dedicated, skilled, professional, committed to their work. I walked through every stage of their preparation for the homeland security responsibilities that the Coast Guard carries out, as well as the aids to navigation, search and rescue, drug interdiction, immigration responsibilities that the 8th Coast Guard district shoulders and carries out so effectively.

On Saturday, August 28, aircraft from air stations in New Orleans, Houston and Mobile flew over the destroyed gulf coast and over New Orleans. They immediately began lifting survivors, transporting them to safety and calling

for reinforcements. But as the devastating scope of the disaster became known, every Coast Guard air station around the U.S. began sending aircraft and extra air crews to support the rescue operations.

The Coast Guard had equipment 24 hours a day on scene. Cutters and crews were brought in.

□ 1430

The buoy tenders were necessary. All aids to navigation were just blown to smithereens: either sunk, devastated, smashed, or some of them blown way inland. The Coast Guard had to go back and redeploy all those aids to navigation.

The air station for the Coast Guard in New Orleans was flooded. Its roof, or a great deal of the roof at any rate, was peeled back. The Coast Guard Air Facility Mobile had damage to their roof, lost their operation space, their maintenance space, power, and telephone communications. Station Gulfport of the Coast Guard was destroyed. The Integrated Support Command in New Orleans was flooded and destroyed. Buoys and aids to navigation throughout the region of the gulf just smashed, and pushed way off station in most cases.

The vessel traffic service radar in Burwick Bay was destroyed. The Coast Guard even had to evacuate their eighth district headquarters in New Orleans and move to Saint Louis. Nonetheless, the Coast Guard rescued 6,500 people. 6,500 people. Rescue swimmers, and we saw this on our screens, were dropped from helicopters to collect people from houses, to maneuver around power lines, hack through attic roofs with axes, and endure foul and contaminated water. One helicopter crew saved 150 people in one shift; another 100 people in a single shift.

The Coast Guard saw that the storm was coming. They have prepared for it year after year after year, for this or any kind of storm. Training for the Coast Guard is not just an exercise on paper nor on computers, as I saw as I walked through each of the stations at District 8. It is real life, day to day. And because of that professionalism, the chairman and I both argued on this floor 3 years ago that the Coast Guard should not be put in the Department of Homeland Security. It ought to be kept in its status within the Department of Transportation with a considerable degree of latitude to carry out their responsibilities. Unfortunately, our commonsense counsel was not heeded in the shaping of the Department of Homeland Security.

The Coast Guard, nonetheless, overcame bureaucracy to respond to the needs of people in sharp contrast to the disarray of FEMA, which left Americans startled, stunned, disgusted and, ultimately, the President in a position to recall his director of FEMA and to redirect operations and bring a new leader in. We did not see any of that with the Coast Guard. In fact, the Coast Guard was asked to dispatch an

admiral to take over and run the rescue operations in the gulf.

We keep adding responsibilities to the Coast Guard, but we do not provide them with sufficient personnel, equipment, and funding; and that is what this legislation will do. It will authorize \$8.7 billion for the upcoming fiscal year for the Coast Guard. Of that amount, \$5.6 billion is for operating expenses; \$1.9 billion for the acquisition, construction and improvement program, part of which is the Integrated Deepwater System to replace their cutters and their aircraft, to keep older ships and aircraft operating; \$24 million for research and development; \$35.9 million to remove and alter bridges that are obstructions to safe navigation; and \$12 million to clean up environmental and pollution problems at Coast Guard facilities.

When I was elected to Congress and took office in 1975 and served on the Merchant Marine and Fisheries Committee and on the Subcommittee on Coast Guard and Maritime Transportation, along with the gentleman from Alaska (Mr. YOUNG), who preceded me by a term, that is where we developed our friendship and relationship over these many years. There were 35,000 officers and enlisted personnel in the Coast Guard in that year. Today, and in the intervening years, we have added 27 new functions for the Coast Guard, but there are only now 40,000 Coast Guard personnel. They have increased only 5,000 in the last 31 years. Yet we expect the Coast Guard to carry out all these 27 new functions, plus their historic functions, with this rather limited personnel and limited budget.

We make a big step forward today by increasing the funding, providing substantially for the acquisition of equipment that the Coast Guard needs and, hopefully, to support the personnel that they require to carry out their functions.

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

Mr. YOUNG of Alaska. Mr. Chairman, I want to thank the gentleman from Minnesota for his comments.

This budget, although it appears large, is not large enough. The reality is, and I was just sitting here and thinking about it, that the Forest Service budget is \$7 billion, and they do not produce anything. They do not save any lives, and they spend \$7 billion for what, I do not know. But just to give some comparisons, this really should be more. This is the biggest increase we have ever had, but it should be more for the duties we have given the Coast Guard.

The Coast Guard has 27 new challenges and duties we require of them through this Congress, and only 5,000, I believe, more personnel in the deal; and they have never been funded correctly.

Mr. Chairman, I yield the balance of my debate time to the gentleman from New Jersey (Mr. LOBIONDO), and pending that I ask unanimous consent that

the gentleman be permitted to control this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman YOUNG for his attention and leadership on this issue. I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from California (Mr. FILNER). I think this is one committee and one area where we are probably a role model for the rest of the Congress to look at in terms of the way we have come together in a bipartisan way to recognize the needs and form a consensus and conclusion.

Chairman YOUNG outlined some of the basics of the bill, the \$8.7 billion that we are authorizing. He talked a little bit about Operation Deepwater, and I want to sort of reemphasize a little of that. We are asking for \$1.6 billion for the Deepwater System, which will result in the complete recapitalization of the Coast Guard. If there were ever a time and a need for it, it is now.

While we have not talked about homeland security that much in the wake of Katrina, the Coast Guard's primary mission has been that of maritime anti-terrorism and homeland security. They are not able to conduct that mission with assets that are failing on a more regular basis, and every day Coast Guardsmen must deal with the reality and the possibility of asset failures that put the safety of the personnel and the success of their missions in jeopardy.

This is an opportunity for us, in an authorization bill, to clearly state how important we think it is for the Coast Guard to have the right assets to go along with the extraordinary training and dedication they are bringing to the mission. This is a very good step forward, and I would urge all my colleagues to support this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on the Coast Guard and Maritime Transportation.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time and for all his expertise, his help, and his mentoring on these and other transportation issues for so long. I thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on the subcommittee, and of course, the chairman, the gentleman from Alaska (Mr. YOUNG), on the full committee.

Mr. Chairman, I agree with the gentleman from New Jersey (Mr. LOBIONDO) when he said this is a committee that is working well together. The collegiality, the input that is pro-

vided from our side is greatly appreciated, and the mutual respect is evident. So we thank the Chair of both the subcommittee and the full committee for that.

Mr. Chairman, I have never been more proud of the men and women that serve in the United States Coast Guard than in recent weeks. What we have seen are valiant men and women stepping up to the plate and saving thousands of Americans from the destructive flood waters brought by Hurricane Katrina. The Coast Guard, whose motto is "Semper Paratus," always ready, was prepared and ready to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews to the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks was to place Vice Admiral Thad Allen in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on a shelf when the big one hits. Being prepared is something they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources quickly to respond, and they make decisions quickly so they can implement an effective response.

What we know to date of Katrina is that the Coast Guard has saved over 12,000 lives with their air resources and over 11,000 lives were saved by boats and other surface resources. They evacuated over 9,000 people to hospitals. When the storm passed, they remained on the scene helping to clean up the mess and protect the environment. In New Orleans, they are coordinating the cleanup of 15 significant oil spills. The Coast Guard is helping to coordinate the removal of sunken ships and barges.

Mr. Chairman, the Coast Guard has responded with all of the resources at their command to this disaster. It is time for the House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year and to continue to help American citizens, whether it is a disaster on the scale of Katrina or in a boating accident, to which they respond thousands of times.

H.R. 889 authorizes a total of \$8.7 billion for the Coast Guard in the coming fiscal year. It includes \$5.6 billion for operating expenses and almost \$2 billion for acquisition, construction, and improvement. Funding for the Integrated Deepwater System is increased above the President's request to make sure this vital system stays on schedule.

I want to thank Chairman YOUNG and Subcommittee Chairman LOBIONDO for including my request for \$39 million to

establish an additional helicopter interdiction tactical squadron, or HITRON, on the west coast. Currently, the Coast Guard operates only one HITRON squadron out of Jacksonville, Florida. We need another on the west coast to protect the eastern Pacific Ocean and interdict vessels attempting to smuggle drugs into the United States. The east coast squadron has interdicted over \$6 billion in drugs to date, and I think we can do even more on the west coast.

So I thank the Chair for working on this bill so cooperatively. I thank the Coast Guard for not only responding to Katrina but for the work they do every day in all of our districts, whether it is search and rescue, cleaning up oil spills, interdicting drugs, or enforcing our fishery laws.

Mr. Chairman, I hope every one of my colleagues votes for this bill.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

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Mr. CARNAHAN. Mr. Chairman, I want to thank the leaders and Members on both sides of the aisle who have worked together to bring this bill to the floor today.

I rise in support of our Nation's Coast Guard and the heroic men and women who serve our country with distinction.

The Coast Guard and Maritime Transportation Act is an important authorization for our country and for our citizens, as we have seen so vividly in the last few weeks. From protecting our natural resources to providing maritime security and national defense, the Coast Guard's duties are broad in scope, and the performance of those duties has never been more important. The authorizations in this bill for operations, acquisitions, and maintenance of the fleet seek to serve our constituents by allowing the Coast Guard to protect citizens along America's waterways, including the Mississippi River district I represent in Missouri, and especially now in the gulf coast.

I would particularly like to take this moment to thank the Coast Guard unit at the Port of St. Louis and all the units in the Coast Guard District 8, covering 26 States, that were headquartered in New Orleans that have temporarily been moved to St. Louis. In St. Louis, the unit led by Commander Susan Engelbert, Coast Guard personnel, and auxiliary volunteers up and down the Mississippi mobilized with unprecedented speed and purpose to assist those communities devastated by Katrina. These men and women conducted search and rescue missions under extreme and dangerous conditions and often risked their lives, just as they have done in countless hurricanes and floods across our country.

In the gulf, in the last 2 weeks of constant work and sweat, those Guard personnel helped make things safer and more secure. With little sleep or rest, they performed their duties helping their fellow Americans in their time of need. Commander Engelbert said it best when she stated how proud she was of the men and women of the U.S. Coast Guard's Port of St. Louis: They saved lives. They made a difference.

For their dedication and their actions, they deserve our thanks. The U.S. Coast Guard is a shining example of how well a Federal agency can perform with its flexibility, speed, and expertise. I urge my colleagues to support this vital authorization bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in strong support of the Coast Guard and Maritime Transportation Act of 2005, a bill that will provide the men and women of the Coast Guard with equipment and tools that they need to monitor and protect our coastal waters.

In keeping with our efforts to improve the Federal Government's ability to prevent and respond to potential mass incidents, whether caused by terrorists, an act of nature, or human error, H.R. 889 will maintain the Coast Guard's traditional mission of water safety while also improving its ability to contribute to our Homeland Security. To that end, H.R. 889 includes provisions from the Delaware River Protection Act, a bill Representatives LOBIONDO, CASTLE, ANDREWS, SAXTON, and I co-authored in the aftermath of the November 2004 oil spill in the Port of Philadelphia.

The Athos I oil spill caused an estimated \$200 million in damages, injured wildlife, and temporarily impeded trade and traffic. It served as a costly reminder that the Port of Philadelphia contributes significantly to our region's economy and that we cannot afford, for economic and environmental reasons, to put it in harm's way.

Under this legislation, strong but necessary steps will be taken to prevent a similar incident in the future. However, we cannot stop there. We must consider other activities in our ports and waterways that might impact the region. That is why I am grateful to the gentleman from New Jersey (Mr. LOBIONDO) for including at my request a provision requiring the Coast Guard to conduct a vulnerability assessment of a proposal to turn an LNG, liquefied natural gas, peak shaving plant into an LNG import terminal in my district in Port Richmond, Philadelphia.

Since coming to Congress, I have been committed and outspoken about implementing innovative solutions to our Nation's energy needs by promoting more efficient use of traditional sources of energy as well as making substantial new investments in

discovering and bringing to market new energy resources. I support improved efficiency standards and enforcement of environmental standards so we can reduce consumption of foreign oil; and I led an effort on this floor to accelerate the research, development, and deployment of new energy technologies. These are critical steps we must take to ensure our Nation's access to the energy that we need to power the 21st century.

There is no doubt that LNG can play a role in efforts to diversify sources of energy and supplement our national gas supply and production. However, due to the inherent volatility of LNG, there is concern that LNG tankers and storage locations will be marked as a potential target by terrorists. Their presence on the Delaware also raises the risk of another major spill occurring in the river. There is no doubt that an incident of an LNG tanker would be devastating to the people of Philadelphia, a city home to 1.2 million people, as well as those living in the surrounding suburbs, and in the States of New Jersey and Delaware. Therefore, we must ensure that LNG tankers and facilities are situated safely and appropriately to protect our citizens from a potential catastrophic event.

In the case of Port Richmond, we must thoroughly examine the economic and safety variables before allowing LNG tankers to travel up the Delaware River, under Benjamin Franklin Bridge, and passing alongside Center City Philadelphia while carrying 200,000 meters of LNG.

A vulnerability assessment will ensure that all elements of the proposal are examined and weighed so we can determine what is best to ensure public safety as well as meet the region's energy demands.

I thank the gentleman from New Jersey (Mr. LOBIONDO) for so willingly working across party lines to do what is best for our region and for his continued leadership on issues concerning the Delaware River. I also thank his staff for working with us throughout the drafting process. I urge a "yes" vote on H.R. 889.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The Committee resumed its sitting.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from

Michigan (Mr. STUPAK), an admirer of the Coast Guard.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. FILNER), and the gentleman from Michigan (Mr. HOEKSTRA) for their work on this bill. There could not be a more opportune time to bring this important legislation to the House floor than today with the aspects of Hurricane Katrina.

The heroic and steadfast efforts of the Coast Guard in the wake of Katrina, the worst natural disaster this Nation has ever faced, should be commended by all. This recent tragedy demonstrates how important it is to authorize and fund vital programs that are contained in the Coast Guard bill we are discussing today. This bill will help the Coast Guard to continue to effectively carry out their mission.

I represent a district that is almost completely surrounded by water, so I understand the importance of a Coast Guard that has the resources to assist our coastal communities.

There is one provision included in the bill that is particularly important to me and my northern Michigan district. It directs the Commandant of the Coast Guard to convey the Cutter *Mackinaw* to the City and County of Cheboygan, Michigan, for purposes of a museum.

The U.S. Coast Guard Cutter *Mackinaw* is scheduled to be decommissioned in 2006. The Cutter *Mackinaw*, whose home port has been Cheboygan, Michigan, has served the State of Michigan and the entire Great Lakes region for over 60 years.

The conveyance of the Cutter *Mackinaw* to Cheboygan is both a tribute to the ship that protected Michigan's water and shores and cleared the ice paths for the Nation's mariners. This ship will now serve as an educational resource to help people better understand the history of the vessel, the Coast Guard and the maritime history of the Great Lakes. In this role, it is imperative that Michigan keep this historic treasure.

I see no better way to honor the life and name of the cutter than to retire it as a museum to its home port in the Mackinaw Straits area. This Coast Guard treasure will be a valuable cultural and educational benefit for generations to come.

Once again, thanks to the men and women of the United States Coast Guard for their work in saving lives in the aftermath of Hurricane Katrina.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Jersey (Chairman LOBIONDO).

Mr. Chairman, as the gentleman from New Jersey is aware, Congress in 2002

during the last reauthorization of Coast Guard activities enacted into law authorization for the Coast Guard to transfer a parcel of land at Point Pinos, California, to the City of Pacific Grove. Over the last 3 years, the city has worked with the Coast Guard to finalize the arrangements, but the land has yet to be transferred. The delay has frustrated city officials, prevented the reuse of the land, and burdened the Coast Guard with maintenance and security of a facility they no longer need.

Mr. Chairman, I would ask the chairman if he is aware of the problem and whether anything can be done to expedite the closure to this issue and the transfer of the property.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for rising on this matter. I am perplexed as to why this transfer has not yet occurred and concerned that it has not yet occurred.

I have been told that the Department of Homeland Security needs to delegate the land transfer authority to the Coast Guard in order to complete and carry out this provision. I will work with the gentleman from California (Mr. FARR) to see that the transfer of this land to the City of Pacific Grove occurs in a timely manner.

Mr. FARR. Mr. Chairman, I appreciate the offer of assistance from the chairman and look forward to working with him to get this done.

Ms. PELOSI. Mr. Chairman, as the House considers the Coast Guard and Maritime Transportation Act, we have the opportunity to commend the men and women of the Coast Guard for their extraordinary achievements in response to Hurricane Katrina.

On Sunday, August 28, as soon as the hurricane passed over the Gulf of Mexico, the Coast Guard launched into action. Battling winds that were still blowing at gale force, Coast Guard aircraft immediately began rescuing desperate survivors clinging to rooftops in flooded Gulf Coast coastal communities.

After the Hurricane hit the Gulf Coast and as the enormity of the disaster became apparent, every Coast Guard air station in the country began sending help—aircraft or crews or both—to the devastated areas to conduct search and rescue missions. The numbers speak for themselves: across the region, the Coast Guard saved or evacuated 33,500 people; one helicopter crew rescued 150 during a single shift on duty; another crew rescued 110.

In New Orleans alone, working day and night for seven days, Coast Guard helicopters saved close to 6,500 lives, 4,700 of them by hoisting people from their perilous perches up into helicopters. Coast Guard crews dodged debris, hacked through roofs and windows, and waded in filthy water to reach survivors.

Although Coast Guard facilities in the disaster area had been damaged by the storm and floods, and many Coast Guard men and women had lost their own homes, they pushed past all obstacles to carry out their mission.

It was not just the members of the air and rescue teams that made this extraordinary ef-

fort possible: mechanics worked tirelessly to service aircraft and send them back into the field as quickly as possible. Supply and logistics personnel worked around the clock to restore hurricane-damaged facilities to use. Auxiliary volunteers rallied to the call of duty. As the storm receded, assessments of oil spills and critical infrastructure began.

The Coast Guard's accomplishments shine all the brighter in contrast to FEMA's lethally slow response. There are many good men and women working for FEMA too, but they were hampered by weak, inexperienced, and ineffective leadership, and by the exodus over the past several years of many seasoned disaster relief experts who could no longer tolerate the disintegration of the agency.

With this legislation, we are building upon the strengths and successes of the Coast Guard. Thank you to Vice Admiral Thad W. Allen for taking over relief operations in the disaster area. Thank you to the men and women of the Coast Guard who responded to this disaster from all around the country, from Florida to Seattle, from Boston to my own city of San Francisco. With all our hearts, we thank you.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill. It authorizes \$8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, and environmental protection.

Mr. Chairman, I want to highlight a provision that I offered and was accepted by the Committee that directs the Coast Guard to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the *Exxon-Valdez* spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Coast Guard to revisit

the findings of its July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek," and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. ENGEL. Mr. Chairman, let me start by stating my sheer admiration for the men and women of the United States Coast Guard. Their performance during and after Katrina was phenomenal and they deserve our gratitude and praise.

I rise to thank the Chairs and Ranking Members of the Transportation Committee and its Coast Guard subcommittee. A year ago, they worked with me to add language to the Coast Guard authorization bill requiring the Coast Guard and Department of Homeland Security to do a security assessment of the Indian Point nuclear power plant. As that bill moved through the process, this study was expanded to all nuclear power plants in the United States. I am pleased to report that DHS plans on releasing this report very soon—perhaps

even this week. While I am well aware that security for nuclear plants is a sensitive matter and fully understand that this might require that parts of this report be classified, it is my hope that the report would contain unclassified sections to permit those around the nuclear plants to gain a better understanding of how our government is protecting them.

We know for a fact that Al Qaeda has the plans of U.S. nuclear power plants. We know that these facilities are a target. We, the Congress and the rest of the federal government, have a responsibility to ensure the safety and security of these plants and our citizens. I am hopeful that the analysis in this report will help us as we make policy decisions about how best to safeguard these facilities.

There is no doubt about the awesome power of nuclear energy. It provides 20 percent of the Nation's electricity. However, if a terrorist group were successful in causing major damage to a plant or its cooling ponds, then the impact would be devastating on a scale we dare not imagine.

We know that on 9/11 one of the planes flew over Indian Point nuclear power plant in New York and that the terrorists had plans nuclear plants in their possession. While I will continue to call for Indian Point to be closed, until that day, I will work to ensure it is as safe and secure as is humanly possible. This report will be an important step toward protecting Indian Point and all nuclear power plants sitting on major waterways.

Again, I thank Chairman YOUNG, Chairman LOBIONDO, Ranking Member OBERSTAR and Ranking Member FILNER for their assistance and support.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and has done an outstanding job. The Coast Guard was the first Agency to react to the terrorist attacks on September 11th, and within minutes was guarding our ports and bridges, and directing maritime traffic out of New York. Right now they're in the Gulf region evacuating victims and cleaning up neighborhoods. And we now have a Coastie heading the recovery effort.

Like many Members, I had major concerns when they moved the Coast Guard into the Department of Homeland Security because I feared that it would prevent them from doing their core missions of Search & Rescue, Drug Interdiction, and Enforcing Maritime and Fisheries Laws. We now know that they can also get caught up in the red tape of the Department of Homeland Security, and we need to keep the Department's feet to the fire, so they don't stand in the way of the Coast Guard's traditional mission.

Fortunately the Transportation Committee realizes how important the Coast Guard is, and we are providing them \$861 million more than the Administration. This is just one more example of where the money being sent to Iraq could be used right here by our own Coast Guard.

I encourage my colleagues to support full funding for the Coast Guard. It's simply the right thing to do for America.

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. This

legislation could not come up for our consideration at a better time. We have all seen the phenomenal rescues made by the United States Coast Guard during their efforts to save the lives of thousands of victims of Hurricane Katrina. I am sure that the more than 23,000 people who have been rescued by the Coast Guard and all Americans join me in thanking and commending the approximately 3,300 Coast Guard men and women who have been working around the clock to locate, rescue, and assist their victims of this natural disaster.

Over the past few weeks we have seen the Coast Guard at their very best, but the Coast Guard's daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation's waters everyday. They help to secure our nation's ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq.

From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the last several weeks the Coast Guard has been in the national spotlight for the outstanding work it has done to aid in the recovery and relief efforts for Hurricane Katrina victims along the Gulf coast.

While the response of many agencies has been scrutinized, the Coast Guard has not been one of them.

The Coast Guard has been responsible for saving 33,000 lives—six times the number of lives the Coast Guard saved in 2004—since Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the megashelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm.

Coast Guard Lieutenant Joe Leonard and the units in Houston have done an incredible job in managing these shelters that received thousands of people a day in the days following Katrina.

But relief efforts are just a part of what the Coast Guard does.

The Coast Guard, which is a part of the Department of Homeland Security, is the lead federal agency for maritime homeland security.

The Homeland Security Act of 2002 specifies five homeland security missions for the Coast Guard: ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement duties.

With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U.S. waters, countering terrorist threats in U.S. ports, and helping protect U.S. Navy ships in U.S. ports.

The Port of Houston, which handles more foreign tonnage than any other port in the United States, is in the district I represent, and the Coast Guard provides the security necessary to protect the Port, as well as the people of Houston.

Mr. Chairman, I would again like to thank the Coast Guard for its excellent work in the Katrina relief efforts, and urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 889

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2005".*

The CHAIRMAN. Are there amendments to section 1?

AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, as the designee of the gentleman from Alaska (Mr. YOUNG), I offer amendment No. 11, and I ask unanimous consent that I be permitted to offer the amendment at this point in the reading.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. LOBIONDO:

At the end of title I add the following:

**SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.**

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

**SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.**

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

**SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

Section 3 of title 14, United States Code, is amended by striking "Upon the declaration of war or when" and inserting "When".

**SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.**

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

**SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

**SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as

a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

**SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.**

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

**SEC. 405. REPORT.**

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert "of 1990" after "Oil Pollution Act".

At the end of title IV add the following:

**SEC. 413. DETERMINATION OF THE SECRETARY.**

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period "before an administrative law judge"; and

(2) by adding at the end the following:

"(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination."

**SEC. 414. REPORT ON TECHNOLOGIES.**

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

**SEC. 415. MOVEMENT OF ANCHORS.**

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))).”.

**SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

“(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.”.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

**SEC. 417. ASSESSMENT AND PLANNING.**

There is authorized to be appropriated to the Coast Guard \$400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

**SEC. 418. HOMEPORT.**

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

**SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.**

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

**SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46,

United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

**SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.**

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

**SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

**SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.**

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

**SEC. 424. PORT RICHMOND.**

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

**TITLE V—LIGHTHOUSES**

**SEC. 501. TRANSFER.**

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the

department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

(1) REQUIREMENT TO PREPARE.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the

Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the local government of the community in which the land is located.

**SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.**

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled “Tree Point Light Station,” dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to

this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

**SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

**SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.**

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Gov-

ernment to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

**TITLE VI—RESPONSE**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware River Protection Act of 2005”.

**SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

**“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as

the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”.

#### SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”;

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.

#### SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

#### SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I;”; and

(2) by adding at the end the following:

#### “SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) PROGRAM.—

“(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

“(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

“(C) The development of techniques to detect and monitor submerged oil.

“(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) DEMONSTRATION PROJECT.—

“(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

“(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

#### SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the “Committee”).

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

#### SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this amendment and on behalf of the ranking members, the gentleman from Minnesota (Mr.

OBERSTAR) and the gentleman from California (Mr. FILNER), and thank them for working so closely with us on this amendment.

One of the key provisions of this amendment is it authorizes an additional \$60 million for the Coast Guard's fiscal year 2005 for funds spent on responding to Hurricane Katrina which are not being reimbursed. Failure to reimburse the Service for the work it has done in New Orleans means that other Coast Guard missions will suffer.

The amendment also temporarily extends existing mariner documents and vessel certificates for mariners and vessels whose paperwork was held in New Orleans and establishes a temporary center for the processing of new mariner documents. Because of the effects of the hurricane on the Coast Guard facilities and the need for new mariners to aid in reconstruction efforts, these temporary actions are necessary to ensure the smoothest possible return to normal operations of the important maritime industry in the Mississippi River and the Gulf of Mexico.

Another important provision in this amendment is the Delaware River Protection Act, legislation that I introduced with a number of my colleagues to guard against another oil spill like the one that we suffered last November in the Delaware River. The bill unanimously passed the House in June, but, unfortunately, the other body has yet to act.

The Delaware River Protection Act would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause an obstruction to navigation. The Coast Guard and the Army Corps of Engineers have found three very large objects in the area of the Delaware where the Athos I ran aground last November. Had the notification requirement been in place at the time any of these objects had been released into the water, the Coast Guard could have marked the location of these objects and had them removed.

This provision will improve maritime safety and will protect the environment and the economies of our local communities by preventing similar collisions in the future.

The Delaware River Protection Act also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from U.S. waterways. This amendment will enhance the Federal Government's oil spill prevention and response capabilities.

I would like to thank in particular the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Pennsylvania (Ms. SCHWARTZ), and a host of others, along with our chairman and the ranking member for working to include this. I

urge everyone to support this amendment.

□ 1500

AMENDMENT OFFERED BY MR. OBERSTAR TO AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. OBERSTAR. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. OBERSTAR to amendment No. 11 offered by Mr. LOBIONDO: In the proposed section 413—

(1) strike "is amended" and all that follows through "paragraph (3)" and insert "is amended in paragraph (3)"; and

(2) strike "and" and all that follows through the end of the section and insert a period.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of my amendment is to square what we are doing in the Coast Guard reauthorization for background checks with what we have already done in the Transportation Security Administration with respect to felony convictions of personnel to be hired by the agency in the TSA legislation concerning governing aviation.

There is no limitation on the authority of the Secretary of Homeland Security to go back beyond 7 years into the job applicant's background for convictions relating to espionage, sedition, treason, murder, conspiracy to attempt crimes; and we ought to have the same provisions in the Coast Guard security responsibilities and not prohibit the Secretary to go back beyond 7 years to look for violations that relate to espionage, sedition, treason, and crimes listed in our Homeland Security Act that relate to terrorism or State laws that are comparable.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding to me.

My concern is, very frankly, this has been in the manager's amendment for 3 months, and it is not new, but my big concern, and I understand he is trying to make it uniform with, I believe, the airline industry; is that correct?

Mr. OBERSTAR. The airline provisions, yes; and the HAZMAT section as well.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, the other concern I have is the Homeland Security Act itself that we passed out of our committee had this provision in it, 7 years; and what I do not want is to preclude someone from being employed in a port, that, if there has been a felony created that is not terrorist related, sabotage related, or secession related, he be precluded from being able to be hired.

Some people say if he is a felon, he should not be hired. I can tell the Members that the business I am in, a lot of people in their earlier years probably got into some sort of trouble sometime, but they are not terrorists. These people are trying to make a good living, trying to provide for society and trying to be helpful to this Nation and are not a threat. I do not want someone unable to obtain employment because of beyond 7 years, 15 years, 20 years, and have that person not be eligible to be employed.

The gentleman has heard this argument before. I believe he was on the Committee on Homeland Security meeting when I presented that, and it was adopted, and it passed on this floor. In fact, it is in the bill. It has not become law because, as the gentleman knows, we have not gone to conference with the Senate.

So I understand what the gentleman is trying to do, but I ask two things from him: if he would consider not offering the amendment, withdrawing it, or not asking for a vote on it, and we will not have a vote on it, or we will, in turn, take care of this in conference, because he and I are going to be on the conference. I know what he is trying to do, but I do not want someone to be punished because they are really good citizens today.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I agree with the chairman about not reaching back. We confronted this issue in aviation in the legislation implementing the recommendations of the Pan Am 103 Commission requiring 10-year criminal background checks but not going further than that and having consideration of amnesty for those who paid their dues to society. We faced that.

But what we are dealing with here, as we did in the Maritime Security Act, the Port Security Grants Act, as we know it, is to allow the Secretary to go back for espionage, for sedition, for treason, for items that are related to security matters. The law applies to felonies in which the Secretary decides the individual is a terrorism security risk.

If the chairman is saying withhold on the amendment this time and we will work to include this language with these limitations in the conference, I will take the chairman at his word.

Mr. YOUNG of Alaska. Mr. Chairman, that is what I expect to do. And, again, I think we can work this out. I am just so concerned that, yes, those that have or did have a potential to sabotage and sedition, et cetera, they should not be employed.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, other than that, I do not want to have the inability to have someone hired, because they can do the job. So we can work it out.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I concur in that concern, but I do want to have uniformity of application of law in the security arena, and I think the chairman agrees with that.

I further do not believe, Mr. Chairman, that we would have intervention by the Homeland Security if we struck this language from the manager's amendment because then it would not be subject to their jurisdiction. However, the chairman is an honorable man. He and I have had many agreements on a handshake, and we have worked things out.

Mr. YOUNG of Alaska. The gentleman has my word on it, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the manager's amendment to the Coast Guard and Maritime Transportation Act of 2005. The amendment includes some very important provision that were previously passed by this chamber in a bill called the Delaware River Protection Act. The Delaware River Protection Act was primarily authored and introduced earlier in the year by my esteemed colleague, Congressman FRANK LOBIONDO. I was pleased to be a cosponsor of that legislation and I am greatly pleased that the language is included in the manager's amendment. The language is part of a bipartisan effort to protect the ecologically and economically significant Delaware River waterway. In November 2004, the hull of the oil tanker, *Athos*, was torn open by a submerged object and spilled an estimated 265,000 gallons of oil into our river. The cleanup efforts have cost at least \$167 million thus far and the impact to the wetlands will be felt for years to come. We must prevent such tragedies from occurring in the future, as it is an economic as well as an environmental imperative; the Delaware River must remain open to commercial traffic. The language in the Delaware River Protection Act, which will now be part of the Coast Guard and Maritime Transportation Act, is a strong step to secure this precious resource.

This language increases the liability limits on single-hull tankers under the Oil Pollution Act, thereby encouraging the adoption of more robust double-hull tankers. In addition, it requires mandatory reporting of objects that are lost overboard to the Coast Guard. There are also provisions to prepare for the contingency of another spill by updating the current response plan, establishing a committee to report to Congress on ways to improve oil spill response and prevention, and establishing a pilot project on the Delaware to test techniques to recover submerged oil. I commend Congressman LOBIONDO for his diligent work on this important effort. I also thank my colleagues, Representatives ALLYSON SCHWARTZ, JIM SXTON, and MIKE CASTLE for their input and support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—AUTHORIZATION**

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

**TITLE II—COAST GUARD**

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.

Sec. 202. International training and technical assistance.

Sec. 203. Officer promotion.

Sec. 204. Coast Guard band director.

Sec. 205. Authority for one-step turnkey design-build contracting.

Sec. 206. Reserve recall authority.

Sec. 207. Reserve officer distribution.

Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.

Sec. 209. Coast Guard history fellowships.

**TITLE III—SHIPPING AND NAVIGATION**

Sec. 301. Treatment of ferries as passenger vessels.

Sec. 302. Great Lakes pilotage annual rate-making.

Sec. 303. Certification of vessel nationality in drug smuggling cases.

Sec. 304. LNG Tankers.

**TITLE IV—MISCELLANEOUS**

Sec. 401. Technical corrections.

Sec. 402. Authorization of junior reserve officers training program pilot program.

Sec. 403. Transfer.

Sec. 404. Long-range vessel tracking system.

Sec. 405. Report.

Sec. 406. Training of cadets at United States Merchant Marine Academy.

Sec. 407. Marine casualty investigations study.

Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

Sec. 409. Deepwater implementation report.

Sec. 410. Helicopters.

Sec. 411. Reports from mortgagees of vessels.

Sec. 412. Newtown Creek, New York City, New York.

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

**TITLE I—AUTHORIZATION**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

*Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:*

(1) *For the operation and maintenance of the Coast Guard, \$5,586,400,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

(2) *For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,903,821,000, of which—*

(A) *\$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;*

(B) *\$1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and*

(C) *\$284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equip-*

*ment related thereto, and other activities that constitute the Integrated Deepwater Systems.*

(3) *To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

(4) *For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000, to remain available until expended.*

(5) *For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$35,900,000.*

(6) *For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$12,000,000, to remain available until expended.*

(7) *For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$119,000,000.*

**SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) **ACTIVE DUTY STRENGTH.**—*The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2005, and September 30, 2006.*

(b) **MILITARY TRAINING STUDENT LOADS.**—*The Coast Guard is authorized average military training student loads as follows:*

(1) *For recruit and special training for fiscal year 2006, 2,500 student years.*

(2) *For flight training for fiscal year 2006, 125 student years.*

(3) *For professional training in military and civilian institutions for fiscal year 2006, 350 student years.*

(4) *For officer acquisition for fiscal year 2006, 1,200 student years.*

The CHAIRMAN. Are there amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

**TITLE II—COAST GUARD**

**SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.**

*Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:*

“(d) *As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.’’*

**SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—*Section 149 of title 14, United States Code, is amended—*

(1) *by amending the section heading to read as follows:*

“**§ 149. Assistance to foreign governments and maritime authorities**”;

(2) *by inserting before the existing undesignated text the following new subsection designation and heading: “(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—”;* and

(3) *by adding at the end the following new subsection:*

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

“149. Assistance to foreign governments and maritime authorities.”.

#### SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.”.

#### SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by amending the first sentence to read as follows: “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”; and

(B) in the second sentence, by striking “a member so designated” and inserting “an individual so designated”;

(2) in subsection (c)—

(A) by striking “of a member” and inserting “of an individual”; and

(B) by striking “of lieutenant (junior grade) or lieutenant” and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual”;

(3) in subsection (d), by striking “A member” and inserting “An individual”; and

(4) in subsection (e)—

(A) by striking “When a member’s designation is revoked,” and inserting “When an individual’s designation is revoked.”; and

(B) by striking “option:” and inserting “option—”.

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of the enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

#### SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

##### “§ 677. Turnkey selection procedures

“(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

“(2) The term ‘construction’ includes the construction, procurement, development, conversion, or extension, of any facility.

“(3) The term ‘facility’ means a building, structure, or other improvement to real property.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by in-

serting after the item relating to section 676 the following:

“677. Turnkey selection procedures.”.

#### SEC. 206. RESERVE RECALL AUTHORITY.

Section 712(a) of title 14, United States Code, is amended—

(1) by inserting “, or to aid in prevention of an imminent,” after “during”;

(2) by striking “or” before “catastrophe”;

(3) by inserting “, act of terrorism as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)), or transportation security incident as defined in section 70101 of title 46” after “catastrophe”;

(4) by striking “thirty days in any four-month period” and inserting “60 days in any 4-month period”; and

(5) by striking “sixty days in any two-year period” and inserting “120 days in any 2-year period”.

#### SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following: “Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.”; and

(2) in subsection (b), by striking so much as precedes paragraph (2) and inserting the following:

“(b)(1) The Secretary shall, at least once each year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”.

#### SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by designating the existing undesignated text as subsection (a); and

(2) by adding at the end the following new subsection:

“(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.”.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking “or radio station” and inserting “radio station, or motorized vehicle” each place it appears.

#### SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

##### “§ 197. Coast Guard history fellowships

“(a) FELLOWSHIPS.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

“(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the indi-

vidual is a citizen or national of the United States and—

“(1) is a graduate student in United States history;

“(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

“(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

“(c) REGULATIONS.—The regulations prescribed under this section shall include—

“(1) the criteria for award of fellowships;

“(2) the procedures for selecting recipients of fellowships;

“(3) the basis for determining the amount of a fellowship; and

“(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“197. Coast Guard history fellowships.”.

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

### TITLE III—SHIPPING AND NAVIGATION

#### SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) FERRY DEFINED.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

“(10b) ‘ferry’ means a vessel that is used on a regular schedule—

“(A) to provide transportation only between places that are not more than 300 miles apart, and

“(B) to transport only—

“(i) passengers, or

“(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.”.

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following:

“(D) that is a ferry carrying a passenger.”.

(c) SMALL PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking “or” after the semicolon at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(3) by adding at the end the following:

“(E) that is a ferry carrying more than 6 passengers.”.

#### SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATE-MAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by striking “The” and inserting “Before March 1 of each year, the”; and

(2) by adding at the end the following:

“(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.”.

#### SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking “denial of such claim of registry” and inserting “response”.

#### SEC. 304. LNG TANKERS.

(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States-flag vessels.

(b) AMENDMENT TO DEEPWATER PORT ACT.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

“(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.”.

(c) REPORT.—Within 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. TECHNICAL CORRECTIONS.

(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1037) is amended by inserting “of title 14” after “chapter 17”.

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Section 302 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1041) is amended by striking “of 1972”.

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1043), is amended by striking “4307(a)of” and inserting “4307(a) of”.

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking “of September 30, 2005” and inserting “on September 30, 2005”.

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking “7302” and inserting “7302(c)”.

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, as amended by section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended—

(A) by inserting “section” before “30305(b)(5)”;

(B) by inserting “section” before “30304(a)(3)(A)”.

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, as amended by section 609(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended by striking “(23 U.S.C. 401 note)”.

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1067), is amended by striking “nontank” each place it appears and inserting “nontank”.

(2) PUNCTUATION ERROR.—Section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1068) is amended by inserting close quotation marks after “each tank vessel”.

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amended by section 704(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1075), is amended by inserting a comma after “October 1, 2012”.

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

“VII. MISCELLANEOUS ..... 70101”.

(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70119”.

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking “section 70120” and inserting “section 70119”.

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

“70117. Firearms, arrests, and seizure of property.

“70118. Enforcement by State and local officers.

“70119. Civil penalty.

“70120. In rem liability for civil penalties and certain costs.

“70121. Withholding of clearance.”.

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, as amended by section 806 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082), is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking “hull” the second place it appears.

(o) EFFECTIVE DATE.—This section shall take effect August 9, 2004.

##### SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the “Secretary”) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

##### SEC. 403. TRANSFER.

Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking “to be conveyed” and all that follows through the period and inserting “to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana).”.

##### SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating \$4,000,000 for fiscal year 2006 to carry out the pilot program authorized under subsection (a).

##### SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets

described in subsection (b) to carry out the Coast Guard's missions including search and rescue, illegal drug and migrant interdiction, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) **AREAS OF REVIEW.**—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

**SEC. 406. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.**

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) in paragraph (2) by striking “and” after the semicolon at the end;

(2) in paragraph (3) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) on any other vessel considered necessary or appropriate or in the national interest.”.

**SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.**

(a) **STUDY.**—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health for a study of the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—

(1) result in information and recommendations that prevent similar casualties;

(2) minimize the effect of similar casualties, given that it has occurred; and

(3) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.

(b) **INCLUDED ELEMENTS.**—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—

(1) the adequacy of resources devoted to marine casualty investigations considering caseload, training and experience of marine casualty investigators, and duty assignment practices;

(2) investigation standards and methods, including a comparison of the formal and informal investigation processes;

(3) use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments, including the British MAIB program;

(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;

(5) the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and

(6) any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report.

(c) **REPORT TO CONGRESS.**—The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$625,000 to carry out the study required by this section.

**SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.**

(a) **IN GENERAL.**—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least \$700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) **MAINTENANCE AND DELIVERY OF VESSEL.**—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) **OTHER EXCESS EQUIPMENT.**—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

**SEC. 409. DEEPWATER IMPLEMENTATION REPORT.**

Within 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Integrated Deepwater Program that includes—

(1) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program; and

(4) a total cost of the program that aligns with the revised mission needs statement for the program.

**SEC. 410. HELICOPTERS.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating may in accordance with this section acquire or lease up to four previously used HH-65 helicopters or airframes (or any combination thereof) that were not under the administrative control of the Coast Guard on January 1, 2005.

(b) **DETERMINATION AND CERTIFICATION.**—The Secretary shall not acquire or lease any previously used HH-65 helicopters or airframes under subsection (a), until the end of the 90-day

period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Secretary has—

(1) determined that acquiring or leasing such previously used helicopters or airframes, and making any modifications to such helicopters or airframes that are needed to ensure those helicopters and airframes meet the design, construction, and equipment standards that apply to H-65 helicopters under the administrative control of the Coast Guard on May 18, 2005, is more cost-effective than acquiring or leasing an equal number of MH-68 helicopters; and

(2) certified that the helicopters and airframes will meet all applicable Coast Guard safety requirements.

**SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.**

Section 12120 of title 46, United States Code, is amended by striking “owners, masters, and charterers” and inserting “owners, masters, charterers, and mortgagees”.

**SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

(a) **STUDY.**—Of the amounts provided under section 1012 of the Oil Pollution Act, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Coast Guard shall transmit to Congress a report containing the results of the study.

AMENDMENT NO. 13 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. YOUNG of Alaska:

At the end of Title IV add the following:

SEC. . Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required.”

Mr. YOUNG of Alaska. Mr. Chairman, it is well established under current law that foreign workers may work on U.S. flag vessels on international voyages to conduct various non-watchstanding functions. These personnel are not considered seamen. This amendment will confirm the legality of this practice.

Also, the amendment clarifies that personnel must possess a transportation security card, when required under the Maritime Transportation Security Act, and I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

**SEC. . ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.**

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91-190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term “community development plan” means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a “community development plan”.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment approves established National Marine Fisheries Service policy regarding the process for approving community development plans in small Alaska communities. The amendment does not in any way change the manner in which these fishery resources are distributed to, or the total amount of fish allocated to, eligible communities. This is a good amendment. It is asked for and the agency itself suggested that we do offer it, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

**SEC. . QUOTA SHARE ALLOCATION.**

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108-199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the

following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment assures that if a new quota becomes available in certain Alaska fisheries, a portion of it will be distributed to a vessel which currently has no qualifying catch history. This amendment corrects an inequity without taking quota from existing vessels. If no new quota is made available through the normal management process, then the additional vessel does not receive any quota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

Mr. BOYD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and their staffs for working with me to include as part of the manager's amendment the text of the substance of House Resolution 372 which will transfer ownership of St. Marks Lighthouse from the Coast Guard to the U.S. Fish and Wildlife Service.

This lighthouse, Mr. Chairman, was built in the 1820s and today still serves as an acting navigational aid for vessels on the Apalachee Bay. This old lighthouse has survived, Mr. Chairman, many wars and many storms, and we were going to lose the building itself if this transfer was not made.

I want to thank again the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their help in accomplishing this.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, for myself, and I know I speak for the gentleman from Alaska (Chairman YOUNG), we are happy to accommodate the gentleman's concern.

I am particularly an aficionado of lighthouses. I think they have played an extraordinary role in the navigation maritime history of America, but lighthouses also played an extraordinary and important role in the development of commercial navigation, air navigation in the United States.

In the early days of aviation, the lighthouse service set up lighthouses on land with million-candle-powered lights with an arrow pointing to the

next lighthouse where the nighttime flyer could chart his course and fly safely to a destination. Lighthouses really made maritime navigation safe, but they made aviation navigation safe as well. So preserving such a piece of history is really important, and I am really glad the gentleman has brought it to the attention of the committee.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. We are always blessed to have the benefit of someone who has as much knowledge as the gentleman from Minnesota (Mr. OBERSTAR) does.

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This lighthouse that has been addressed in this manager's amendment is still serving as a navigational aid to air transportation and also to maritime navigation.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SOUDER:

At the end of title IV add the following new section:

**SEC. . ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.**

There are authorized to be appropriated \$25,000,000 for fiscal year 2006 and \$25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

Mr. SOUDER. Mr. Chairman, I rise to ask my colleagues' support for this amendment which would authorize critical resources for our drug interdiction efforts which directly impact the U.S. Coast Guard.

I first want to commend the gentleman from New Jersey (Chairman LOBIONDO) for his leadership and efforts in providing much-needed support to the Coast Guard.

Recently, more than ever, the Coast Guard has demonstrated its unique multimission role as the world's premier maritime service. The recent devastation caused by Hurricane Katrina along our gulf coast has been well documented, and our sympathies are extended to those who have lost so much.

However, out of the destruction and despair come many positive stories, and one of the best stories to emerge from this disaster has been the heroic work of our Coast Guard.

Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi; and looters wrecked part of its New Orleans base. But that did not stop the Coast Guard from sending out rescue helicopters,

cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast since August 29.

To date, the Coast Guard has coordinated the search and rescue efforts that resulted in over 33,000 lives saved and evacuated to date. Coast Guard helicopters and boat crews from around the country responded and have heroically risked their lives in some of the most challenging and dangerous circumstances of recent times.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions and responsibilities providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In fiscal year 2004, the Coast Guard seized a record 240,519 pounds of cocaine worth approximately \$7.3 billion. To date, in fiscal year 2005, the Coast Guard has seized over 290,000 pounds of cocaine worth an estimated \$8.8 billion.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment in the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

I offer this amendment to improve upon these drug seizure totals by authorizing the State Department's Bureau of International Narcotics and Law Enforcement Affairs to acquire a refueling vessel for the benefit of U.S. and allied drug interdiction agencies, such as the U.S. Coast Guard and the U.S. Navy, operating in the eastern Pacific region. According to testimony provided by the Coast Guard, the Department of Defense, the Office of National Drug Control Policy, and other agencies, drug traffickers have increasingly pushed their routes into that area farther and farther west.

We have three Coast Guard vehicles that operate there. One is usually try-

ing to come in, one is going back, and only one is out in this huge zone running up with all of the cocaine and heroin coming in from Colombia because we do not have a refueling vessel there.

U.S. vessels have no capability of refueling in that area and, thus, cannot operate for any significant length of time. The drug traffickers, by contrast, have developed their own sophisticated refueling system and can now simply bypass our interdiction forces. Today, we face an almost unique situation in drug interdiction history: we now have more intelligence about drug trafficking than we have assets to act on it, meaning we know it is coming, we know where it is, but we cannot get it; meaning that we have to watch helplessly while some shipments of poisonous narcotics are brought into the U.S.

The Coast Guard's motto, "Semper Paratus," meaning always ready, has been earned through the courage and actions of the members of the Coast Guard. I am happy to say that this amendment will help ensure that future Coast Guard members can live up to that motto.

Again, I thank the gentleman from New Jersey (Chairman LOBIONDO) for his leadership in support of the Coast Guard, and I urge my colleagues to support this amendment.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, we are very happy to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MARKEY:

In subtitle A of title IV, add at the end the following new section:

**SEC. \_\_\_\_ . SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

(a) SECURITY AND SAFETY REVIEW.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) PREPARATION OF REPORT.—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) RESULTS OF REVIEW.—The Commandant of the Coast Guard shall provide to each Fed-

eral agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) REPORTS TO CONGRESS.—

(1) SUMMARY OF ACTIONS TAKEN.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) IMPLEMENTATION STATUS REPORT.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.—

(1) REQUIREMENT.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed \$1,000,000 for each day of such violation.

(3) SAVINGS CLAUSE.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

Mr. MARKEY. Mr. Chairman, I have an amendment which deals with a huge issue which is going to unfold in our country over the next decade, and that is the indisputable need for our country to have a large importation of liquefied natural gas into our country. In New England, already 20 percent of our natural gas is in the form of liquefied natural gas. It comes from overseas. This is a good thing, and it is something that has to expand, not only in New England but all across our country.

The good news is that in the year 2001, there were only two LNG facilities licensed in the United States, one of them in Everett, Massachusetts, in the middle of my congressional district. This is something, however,

which is a legacy from a period that existed before 9/11. There are now 30 proposed additional LNG facilities in the United States, and nine of them have already been licensed.

The question going forward now is not do we need more LNG; the question is how will we have the importation of LNG be done consistent with homeland security principles. And here is the issue: in Boston, right here, coming in a couple of times a month, at least, comes this huge tanker right through the middle of Boston. That is East Boston High School right above it. Outside of Manhattan, this is the most densely populated part of the United States.

Now, we cannot do anything about this facility. It is there. Maybe over time we can phase it out, but it is going to be there. The issue is, going forward, what will be the role of the Coast Guard, the Coast Guard which, in this picture, is escorting this LNG tanker right into Boston Harbor, which has to shut down every time one of these tankers comes in? What should the role of the Coast Guard be?

What my amendment says is this: since we are going to have this large importation of LNG in terminals all across our country in the next generation, let us: One, require the Coast Guard to prepare a report on any measures needed to ensure public safety and security of the proposed facility and transportation routes to and from the facility; and, two, require the Coast Guard to report on any action taken by the facility owner or by appropriate Federal and State regulators in response to any findings or recommendations made by the Coast Guard with respect to the proposed facility, including what measures have been put in place to mitigate potential risks; and, third, require the Coast Guard to approve any construction or expansion of an LNG facility before it can go forward, and direct the Coast Guard to not approve any such construction or expansion if it determines that the proposed facility or the expansion of the existing facility would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

We know that if that tank was exploded, if the tanks that are on the land where the tanker is going to unload the LNG, that the event would be catastrophic in the middle of the city of Boston; but the same would be true across the whole country. The Sandia Laboratories, in studying an incident that could occur with a tanker such as this, sees a radius of upwards of 2,000 feet that would have levels of heat and fire that would burn buildings, damage steel tanks and machinery; and one can imagine what would happen to every human being inside that radius.

So, for me, to leave it to the Federal Energy Regulatory Commission to have exclusive jurisdiction over where one of these facilities is sited, without taking into account what the Coast Guard will have to do as a part of the

Department of Homeland Security in safeguarding that shipment, is, in a post-9/11 period, reckless. In a post-New Orleans period, it is reckless.

We must give the people who live in these densely populated areas the benefit of the doubt that the Coast Guard would raise the questions about homeland security, about what would happen if there were a terrorist attack, and then suggest perhaps that the facility be built offshore, and that there be a pipeline brought in, that the facility be built in a more remote area of the State and a pipeline be built to bring it down; but it should be the Coast Guard, the agency of expertise.

I urge an "aye" vote to protect public safety in all communities where LNGs will be imported in the generation ahead.

Mr. LOBIONDO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would significantly add to the Coast Guard's mission responsibilities by requiring the service to regulate the construction and expansion of liquefied natural gas facilities. Coast Guardsmen and -women do not have the expertise and background to inspect building plans as they would be required to do under this amendment.

In addition, this amendment would in many ways duplicate the efforts already undertaken by the States and the Federal Energy Regulatory Commission to regulate these facilities. With the current situation, I question the addition of significant shore-side responsibilities to the Coast Guard's wide scope of missions. We have heard about what they have been expected to do, we have heard their missions have been expanded by some 27 items, that their personnel is not there, that their funding is not there; and I reiterate that they do not have the expertise and background to inspect these building plans and do the job that is required under this amendment.

I urge all of my colleagues to oppose this amendment.

Mr. MCGOVERN. Mr. Chairman, I am pleased to rise in support of this amendment, and I would like to commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), the dean of our delegation, for his leadership on this issue. Years ago the gentleman from Massachusetts (Mr. MARKEY) played a critical role in the passage of the Pipeline Safety Act, which stressed the need for the remote siting of LNG terminals; and since then he has continued to be a national leader and advocate for the needs and safety of our communities.

This is a commonsense amendment that we have before us today. I can tell my colleagues firsthand that the current system does not work. In my district there has been a proposal to construct an LNG storage tank in the middle of Fall River. The site itself would be just 1,200 feet from homes with over 9,000 people living within a 1-mile radius of the tank. Immediately, commu-

nity and State officials sounded off the alarm. They pointed to environmental concerns, and there are a lot of environmental concerns with the siting in this area, which FERC just dismissed without ever conferring with the EPA.

They also pointed out the fact that if this facility would be constructed, the tankers would have to go under three different bridges in the river, and all three bridges would have to be shut down for a period of time for safety concerns. And the problem with that is that neighboring communities would then be denied access to hospitals that are located in Fall River and other emergency facilities. Again, FERC totally ignored that.

The community raised security concerns which were supported by a report prepared by counterterrorism expert Richard Clarke talking about the potential threat to the community in the case of a terrorist attack or an accident. Yet the Department of Homeland Security was never included in the review process. In fact, despite repeated requests from members of the Massachusetts and Rhode Island delegations, officials from Homeland Security have yet to comment on the site, let alone visit the site.

□ 1530

Instead, they referred our request to the Coast Guard, which is only required to present its recommendation prior to the actual reconstruction of the LNG tanks. So in the end, without any coordination with the necessary Federal agencies, FERC approved the construction of the LNG storage tank in Fall River, Massachusetts.

Now it was only after the Navy intervened, pointing to additional threats to national security, that FERC finally took a step back and are now deciding whether to consider an appeal by the State of Massachusetts.

This one case in Fall River illustrates a larger problem. Our current system fails to ensure a thorough review of all of the issues surrounding LNG sites; and the Markey amendment, by bringing the Coast Guard to the table before new LNG sites are approved, I think is a necessary step in that direction.

As our Nation's energy demands continue to grow, we must work to ensure that adequate energy sources are available; and I would be the last person to argue otherwise. We do need additional LNG facilities in this country. But we must be mindful that our public health, security and safety are not disregarded in the process.

I have never had a more maddening experience in my life than dealing with FERC. They did not consider, let alone discuss, any of the issues that were raised by the Commonwealth of Massachusetts, by our governor or by local officials or by local public safety officials. They went ahead and approved this and justified the approval without considering any of the evidence that was brought before them, evidence,

quite frankly, that points to major security concerns.

I think that what the gentleman from Massachusetts (Mr. MARKEY) has done here is proposed an amendment that, you know, should not be controversial. I think all of us here should want to make sure that these facilities are sited in the safest possible areas.

I have a prediction. That is, in the not-too-distant future, some homeland security chief is going to weigh in on this and recommend that LNG facilities not be sited in heavily populated areas and that, instead, they be sited in areas that are not in the middle of a growing urban area or offshore them because of the safety concerns.

So this amendment should be approved. I would hope that my colleagues would join with me in supporting the Markey amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Under the agreement that we have in committee, we do not support amendments that one or the other side disagrees with; and I support the committee position. I do want to observe, however, that this amendment is relatively benign. Had it been drafted differently, I think it easily could have been accepted.

The Coast Guard does have largely this authority. And while the chairman of the subcommittee has expressed a concern about the Coast Guard being drawn afield from its normal mission in looking into on-land facilities, actually if the Coast Guard felt there were a problem with their existing authority they could do what the gentleman's amendment proposes to direct them to do, they could say, look, we think this is a security problem or a safety problem and inspect it. And, in fact, any contractor with an ounce of sense would invite the Coast Guard in and say look at it before we go ahead.

I do want to observe, however, there is new technology that may make such facilities unnecessary in the short term and long term.

During this storm of Katrina in the gulf, an LNG facility offloaded 3 billion cubic feet of natural gas 100 miles offshore because the tanker had on board the new regassification technology that allows it to make the conversion necessary to discharge from the ship; and with 8-foot seas, they were able to discharge 3 billion cubic feet of natural gas. With the rate at which natural gas prices are rising, I think we need more of that capability.

I certainly sympathize with my colleagues in Massachusetts along Fall River who do not want to see one of these LNG ports in their river, close to human population, with all of the potential, but this is not the appropriate place to make that fix.

Mr. SHIMKUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief. The issue is we have fought this amendment before. There is a critical

demand for natural gas in this country. The Coast Guard, as has already been stated, is already involved in this process. They establish access control measures. They establish security measures for cargo handling and delivery. They provide surveillance and monitoring. They ensure security communications. They create security incident procedures. They coordinate with local, State and Federal authorities to respond to security incidents, personnel training and drill requirements and identify a facility security officer who is responsible for ensuring compliance with the facility security plan. So the Coast Guard is already doing a lot of these intercoastal activities.

In addition to the U.S. Coast Guard, the LNG terminal safety and security are subjected to additional layers of Federal oversight. FERC and the Department of Transportation are responsible for exercising regulatory authority over LNG facilities.

This country can no longer continue down the route of saying we want to use energy, but we do not want any energy brought into this country. We just cannot. It kills our manufacturing base. We are no longer competitive.

Now we are paying \$10 per million BTUs for natural gas use, when our opponents, our competitors worldwide like Russia pay 95 cents. How can we compete? We have to have energy.

If we cannot drill in our own country, if we cannot explore, if you are going to put the whole Continental United States off limits, we have to import liquefied natural gas. We can do it. We have done it safely. We can do it economically.

The Coast Guard is involved. And to say that this is not an attempt to stop LNG facilities on the United States is just a false premise. I reject it.

Now we have had this amendment numerous times and tried to stop the development of LNG facilities during the energy bill. We have defeated it every time, and we are going to defeat it now.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Markey amendment. As the gentleman from Illinois (Mr. SHIMKUS) just mentioned, we have been through several attempts in the energy bill to recognize the NIMBY, not in my backyard movement, against LNG. You cannot have it both ways.

This House spoke overwhelmingly to say that we need and will support more natural gas supply within the United States by beating or not adopting the Markey amendments in the energy bill, which I think is the proper place to discuss the topic of liquefied natural gas and its safety.

And, by the way, what we adopted in that energy bill is a streamlined process that does give FERC the ultimate authority on permitting and siting but also in that bill mandates to FERC that they have to take into account the safety concerns. It is stated right

there in black and white. They have to adopt or they have to take into account the safety concerns, the procedural concerns from both the local, the county, the State governments and all of the Federal agencies, including the Coast Guard, that are involved in this process.

As the gentleman from Illinois (Mr. SHIMKUS) mentioned, the Coast Guard is already part of the process. It has jurisdiction over part of the safety plan that makes sure that the ships are safely brought in to the port facility. It escorts those ships, in fact. You know, I just have got to say that we have got to get away from this NIMBY mentality here.

Right now, we are paying \$10 per Btu for natural gas. Mexico is a fraction of it. We look at what we use natural gas for in the United States, it is not just heating our homes. Eighty percent of the homes in Nebraska are heated with natural gas. I would presume that the majority of homes along the East Coast are heated with natural gas.

Go tell your folks that you are in favor of their natural gas heating bill going up by 30 or 40 percent this December, January and February. Because that is what we are looking at.

But, also, it is a major element in cost in manufacturing, manufacturing chemicals, manufacturing fertilizer; and I am telling you our farmers in Nebraska cannot withstand the price increases that they are going to have to incur with fertilizer. Chemical plants are pulling out of the United States to avoid the high cost of natural gas.

We need this product in the United States. Let us keep it as this body has already decided with the streamlined approach that already incorporates all of the safety concerns from all of the local and State and Federal agencies.

Let us join the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and all of the others that are in opposition to this amendment.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, first of all, let me clear up some misinformation which has been disseminated out here on the House floor. We have, in fact, not debated this issue ever before in the House.

What happened in the energy bill was that the Republican majority made a determination that they were going to remove governors and mayors from the decision-making process as to where an LNG facility can be sited. Until August of 2005, mayors and governors had a say. Now they do not because of the energy bill.

Now we all know that when and if a catastrophic event occurs, people in our country have learned not to depend

upon the Federal Government. They know that the first call has to go to the local fire, the local police. That is who they are going to call, and they have good reason to after what happened in New Orleans. I do not think any city or town is going to repeat the mistake which New Orleans made in waiting for Department of Homeland Security to respond.

But let us just say for the sake of discussion that we are going to remove the mayor and we are going to remove the governor from any say on where an LNG facility can go in the most densely urban populated parts of this State. What my amendment says is, at least allow the Federal Government to have a role. At least allow the Department of Homeland Security to have a role. But the Republican majority says, no, we are only going to allow the Federal Energy Regulatory Commission, which has no jurisdiction over homeland security, no responsibility to look at the public safety issues, they alone will look at these issues.

Well, you know, the recriminations which have taken place in the last 2 weeks all turn on one question. Why did not people listen to the Corps of Engineers? Why did not we give more protection to those people in that community? But we all know that the Corps of Engineers was ignored, that their warnings were ignored.

What the majority Republican party wants to do is to tell the Coast Guard, we do not want to have your view on where an LNG facility should be sited if you are going to tell us you disagree with the energy decision.

It should be all energy. No homeland security at all. No protection for the people who will be living in the mile or two around that facility. Now that, ladies and gentlemen, is what this debate is all about.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. TERRY) and, by the way, each of them could not try harder to get more geographically far away in Nebraska and Illinois from the coastline, our experts today. Mark Twain used to say, an expert is anyone who lives more than 1,000 miles away from a problem, and we have got two experts here today telling us on the coastline what we need.

Well, what we need, ladies and gentlemen, is the Coast Guard to make a determination as to whether or not they can protect against a catastrophic event, and what they are saying is no Coast Guard, no governor, no mayor, nobody but the energy companies. That is what it is all about. It is about the energy companies.

Yes, we need a doubling, yes, we need a tripling, a quadrupling of LNG in our country.

□ 1545

I have the number one facility in America in my district. We need it in New England more than anyone else. But as a homeland security issue, it

should have the Coast Guard making a determination as to whether or not it can be protected against a terrorist attack. And if an alternative is possible offshore or in a more remote area of that State, then they should be given the right to participate in that decision.

If you just leave it to the energy companies, which is what the Republicans want to do, this is just a continuation of their energy bill, letting the consumers get tipped upside down because the energy companies do not want to spend a few extra bucks to add into homeland security, the same way as the catastrophic events of New Orleans were just over saving a few bucks.

Well, this is your chance to do something about LNG facilities in densely populated areas, to give a say to the Coast Guard, rule out your Governor, rule out your mayor, but at least the Coast Guard, at least a part of the Federal Government should be part of this. If you want a Federal solution to the energy problem, you also have to have a Federal component to homeland security in 2005.

Al Qaeda is not taking a break. Al Qaeda is out there. Al Qaeda used the Boston LNG terminal as the route to bring in their Al Qaeda agents.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Richard Clarke in his book said on September 11, 2001 when he was asked to take over in charge of all homeland security response, his first thought was shut down the port of Boston, call the Coast Guard commandant there. That is where Abdul Meskini and the other al Qaeda agents had come in on the LNG tanker from Algeria into Boston Harbor. That is how they got here. Abdul Meskini is in prison right now for the LAX millennium bombing plot.

So let us not kid ourselves. They are coming for urban areas. They are coming for the high-impact areas. They are coming for LNG facilities. They are coming for nuclear facilities. They want to use airplanes. They want the biggest event possible. They want London. They want Madrid. They want New York. They want L.A.

They want the big urban populated areas. Let us not kid ourselves. Vote "aye" on the Markey amendment. Give the Coast Guard the homeland security ability to be able to make a decision to protect the citizens of our country.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Congressman MARKEY. His amendment seeks to protect the citizens of our cities and towns from the potential threat posed by liquefied natural gas, LNG, tankers traversing our waterways.

I fully grasp the need to import additional quantities of fuel, particularly natural gas. Our energy supplies are dwindling and have been further hampered by the recent events in the

Gulf. However, I must question the haste of our efforts to import LNG without the proper planning to ensure the public's safety. As it stands now, the Federal Energy Regulatory Commission, FERC, has the preeminent authority in siting these LNG facilities. The recently passed Energy Bill even included a provision that usurped State's rights in the siting process. The problem here is that FERC is an agency concerned with energy policy, yet they have limited expertise in security and public safety. In the past, we could rely on individual States to make security decisions, but now that authority is in jeopardy.

The most prudent action we can take at this time to ensure the safety and security of our citizens is to bolster the power of the Coast Guard. While the Coast Guard is already involved in siting LNG facilities, this amendment offered by Congressman MARKEY would give the Coast Guard the specific direction they need to properly and thoroughly examine risks posed to the public.

There is no doubt that LNG will become an increasing part of our Nation's energy supply. Moreover, there will be some prospective sites that are suitable for LNG facilities and others that are not. I am not here to make a judgment on any specific sites. Rather, I want the professionals in the Coast Guard to do the security analysis. Our energy needs cannot take precedent over the safety of our citizens. Once again, I support Mr. MARKEY's amendment and I urge my colleagues to include it in the final bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA  
Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA:  
At the end of title IV add the following:  
**SEC. . VOYAGE DATA RECORDER REQUIREMENTS.**

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

**§ 3507. Voyage data recorders**

(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

“(b) Regulations prescribed under subsection (a) shall establish—

“(1) standards for voyage data recorders required under the regulations;

“(2) methods for approval of models of voyage data recorders under the regulations; and

“(3) procedures for annual performance testing of voyage data recorders required under the regulations.

“(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary \$1,500,000 each fiscal year.”.

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“3507. Voyage data recorders.”.

Mr. FOSSELLA. Mr. Chairman, I thank the chairmen of the subcommittee and the full committee for their efforts here.

First at the outset, let me commend the great men and women of the United States Coast Guard for what they do. In Staten Island and Brooklyn, we are privileged that they are watching the Port of New York and the hundreds, if not thousands, of personnel who dedicate their lives to helping us and saving many and protecting us. And after a very aggressive summer boating season, many of them have been redeployed to the gulf region and serving once again with honor and distinction and rescuing many and really serving full support to the United States Coast Guard.

The amendment I have offered today deals with what happened several years ago in Staten Island. On October 15, 2003, the Staten Island Ferry boat, the *Andrew J. Barberi*, was on a regularly scheduled trip from Manhattan to Staten Island, as it does 365 days a year; but on that day, it collided with the maintenance pier at the Staten Island Ferry Terminal. The tragic accident resulted in the death of 11 people, 11 innocent people with over 70 injured, many severely.

Despite the exceptional report issued by the National Transportation Safety Board, which conducted a very thorough investigation, we still do not know the full story of what happened on that tragic day. The N.T.S.B. concluded a probable cause of the incident was “the assistant captain’s unexplained incapacitation.”

The unwillingness of those with knowledge of what happened in the wheelhouse to talk unfortunately ensures that the full story of that tragedy will never be known.

In light of these circumstances, the amendment I have offered today requires that voyage data recorders, or VDRs, not too unlike the famous, or infamous, black boxes that exist in every airplane cockpit, be installed in ferries carrying more than 399 passengers.

For a point of fact, that is probably more than 50 ferry boats nationwide. The devices are similar to the black boxes. In addition to recording all communication and navigation data in a ship’s wheelhouse, the devices can also be used to track vessels en route and

determine whether or not a ship is veering off course, which would have arguably prevented this tragic accident as well.

In addition to helping determine whether or not ships may be on a dangerous course, the devices also provide critical information in the event of future accidents that will give investigators a more complete understanding of events and in helping investigators understand root causes, such as greatly assist them in offering recommendations for safety improvements.

The amendment sets forth very practically to allow these VDRs in passenger ferries of 399 or more passengers. The Staten Island Ferry in and of itself carries tens of thousands people every day.

I think it is a commonsense measure. Furthermore, I want to commend the chairmen of both the full and the subcommittee for agreeing to continue to dialogue, to figure out ways we can prevent such accidents from occurring.

One of the other issues that clearly happened here was the pilot in control basically provided fraudulent physicals. And we need to find a way that we can effectively protect the public from those pilots, and I would argue physicians that provided false medicals to allow people who really do not belong in a wheelhouse to be responsible for the lives of tens of thousands of people on a daily basis.

I urge support of this commonsense amendment.

Mr. LOBIONDO. Mr. Chairman, I am prepared to accept the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate that the majority is going to accept the amendment. We have previously agreed on the outcome.

Voyage data recorders are as important as they are in aviation. The flight data recorder, the voice data recorder in the cockpit helps us to understand outcomes of accidents or causes of accidents in investigating the tragedies in aviation.

The Coast Guard is working with the IMO to amend the Safety of Life At Sea Convention to require voyage data recorders for ships in the international service. But doing so for newly built ships, those that are under construction is one thing. The cost can be absorbed in the construction of the vessels. But older vessels that do not have automated engine rooms, do not have automated sensors are going to result in a huge cost, as much as \$300,000 I have heard from vessel owners to retrofit vessels.

So in accepting the gentleman’s amendment, we must also have language when we get through conference, in the conference report, about somehow alleviating the cost on older vessels just as we do in aviation. There are ways of phasing in newer technology in aviation, the flight data recorder that records up to 150 parameters of operations of an aircraft, for example. We

give airlines time and manufacturers time to incorporate the new technology into newer general aircraft.

I just raise this as a caution because I know the chairman has great concern for the financial effects on maritime navigation of actions we take in committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

Page 25, line 15, strike “REPORT” and insert “REPORTS”.

Page 25, line 16, strike “IN GENERAL.—” and insert “ADEQUACY OF ASSETS.—”.

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard’s non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

In lieu of the matter proposed to be inserted at page 26, line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review.

Ms. LORETTA SANCHEZ of California (during the reading). Mr. Chairman, I ask unanimous consent that the

modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment would have the commandant of the Coast Guard review and report on whether the currently authorized level of active duty personnel is adequate for carrying out all the Coast Guard's missions, including its newly expanded homeland security missions.

In the wake of Hurricane Katrina, we have seen how much our country relies on our Coast Guard. Currently, there are 2,400 Coast Guard members on the ground working on rescue and recovery efforts in the gulf coast, and to date they have saved over 33,000 lives.

The Coast Guard's contribution to disaster response is extremely valuable, and it is only one part of what the Coast Guard's broad mission is, which includes port, waterways and coastal security, recreational boater safety, search and rescue, illegal drug and migrant interdiction, aids to navigation, and the protection of our natural resources.

In the last couple of years, the Coast Guard security mission has grown exponentially as they work to secure our Nation's ports, our ships, and the cargo. But despite these growing responsibilities, the Coast Guard's authorized active duty personnel level is the same as it was in the early 1990s.

In the "Department of Homeland Security's Inspector General Fiscal Year 2003 Report" on the mission performance of the Coast Guard, the demand for experienced and trained Coast Guard personnel was cited as one of the major barriers to improving and sustaining mission performance. So we must ensure that the Coast Guard has the personnel resources to achieve their broad and their very complex security missions while maintaining high performance on all of their other missions.

I would like to thank the chairman and ranking member and their staff for working with me on this issue, and I ask for my colleagues' support of this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the intent and purpose of the gentlewoman's amendment and her deep conviction in offering it, her concern that the Coast Guard undertake these evaluations and which the Coast Guard does as a matter of routine. But I think this will put a spotlight on this function of the Coast Guard and give a new urgency, especially in the aftermath of Hurricane Katrina, in these

new homeland security responsibilities to which the gentlewoman has referred, to do a more thorough and current evaluation of the Coast Guard active duty personnel strengths and impacts on their homeland security missions, as well as the traditional historic function of the Coast Guard.

I appreciate the gentlewoman's amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I appreciate the support of my good friend from Minnesota.

Mr. LOBIONDO. Mr. Chairman, as modified, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. INSLEE:

At the end of title IV add the following:

SEC. —. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

Mr. INSLEE. Mr. Chairman, I appreciate the Chair's assistance on this.

We are offering this amendment in an attempt to address an inequity in the

committee's clear desire, it is the committee's clear desire to have operation and maintenance costs available as outlined in the Maritime Transportation Security Act for coverage under this grant program.

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After talking with the Congressional Research Service and with the Department of Homeland Security, it is clear that, at a practical level, on the ground at our ports, these costs, including overtime compensation for State patrol officers, are not being covered, despite the committee's best efforts.

The Department of Homeland Security, however, responds to legislation passed by the Committee on Appropriations and takes a narrow view that operations and maintenance costs are not eligible to be covered.

I believe that the chairman is of a like mind and believes that operations and maintenance costs during times of increased alert, expenses like extra operators for screening equipment, overtime for security officers, and additional K-9 bomb units, should be eligible for reimbursement by the Federal Government. I am asking for the chairman's help in addressing these issues.

These Federal security mandates place an undue burden on our ports, which are part of the lifeblood of our economy. We need to help them.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, is the gentleman withdrawing his amendment and asking for a colloquy?

Mr. INSLEE. Yes.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. OBERSTAR. Mr. Chairman, before the gentleman makes that request, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman is proposing a very thoughtful amendment and making a very reasonable request, that the Secretary reimburse local port authorities, facility operators, State and local agencies when the security threat goes above green, if it goes to yellow, orange or red, and there are additional costs shouldered by local governments, that the Federal Government should pick up 50 percent of that cost. Is that the thrust of the amendment?

Mr. INSLEE. Mr. Chairman, that is the thrust of the amendment.

Mr. OBERSTAR. If the gentleman will further yield, that is generally what our concern is, that they should not shoulder all these additional costs. I think there should be some way that we can reach accommodation when we go to conference with the other body on accommodating the gentleman's concern.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as hard as it is for me, I am going to support the gentleman's amendment, but my concern when I look at it is we have got to make sure that this does not come out of the Coast Guard's budget. It either comes out of Homeland Security or some other arena, and that is what we can work out in this bill when we put it in. Because I do not want the Coast Guard's budget to take money and go into it when they raise that alert state.

So I think the gentleman has got a good idea, and I am more than willing to work with him and see if we can solve it. I agree with the gentleman. Because when they put us on a higher alert, even though it might not even be in the arena of a port, it is a national higher alert, and it is a huge cost, and they have to carry that burden.

As long as we get the money from some other source than the Coast Guard, I am highly in support of it.

Mr. INSLEE. Mr. Chairman, we appreciate the gentleman from Alaska's (Mr. YOUNG) comment.

I would yield to the gentleman from New Jersey (Mr. LOBIONDO) if he wanted to make a further comment, but the gentleman from Alaska (Mr. YOUNG) seems to have covered the map.

Mr. LOBIONDO. Mr. Chairman, if the gentleman will further yield, still with the understanding that the gentleman from Washington (Mr. INSLEE) is going to withdraw the amendment, I commend the gentleman from Washington for his strong concern about the increased costs to local ports involved in complying with the Maritime Transportation Safety Act.

These same concerns were on the minds of the members of the Committee on Transportation and Infrastructure when we first passed the Act in 2002. We had extensive discussions about it, and at that time we authorized a port security grant in the Act.

Unfortunately, as the gentleman has pointed out, it seems that the Department is not following the intent of the law, and that is a problem, and that is a mistake we would like to correct.

We pledge, myself and the gentleman from Alaska (Mr. YOUNG), to work with the gentleman and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER) to continue as we move along with this bill to ensure that the port security grant program follows the criteria that we set out in the Maritime Transportation Safety Act. We will be very pleased to work with the gentleman on that.

The CHAIRMAN. Is there objection to the gentleman from Washington's unanimous consent request to withdraw the amendment?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MARKEY:  
Add at the end the following new title:

**TITLE \_\_\_\_\_—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS**

**SEC. 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.**

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;”.

**SEC. 02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.**

Section 70102(b) of title 46, United States Code, is amended—

(1) in paragraph (1)(C) by inserting after “contingency response,” the following: “chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business;”; and

(2) in paragraph (4) by striking “includes” and inserting “adequately addresses”.

Mr. MARKEY. Mr. Chairman, I will notify the majority that I intend on withdrawing my amendment, but I just wanted to make this commonsense suggestion at this time that perhaps we could continue to discuss and work on in the months ahead.

My amendment deals with the reality that, especially in coastal areas, that there are huge containers of very dangerous chemicals and other toxic chemicals that are stored in those coastal areas right onshore and that, in many instances, those particular toxic materials have a now more modern, substitutable chemical which could be used in order to achieve the same purposes for the industries within our country.

What my amendment says is that when the Coast Guard writes an area maritime transportation security plan, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, but the Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or other sensitive areas that might have important economic or national

security significance so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessment under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and it will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its national maritime transportation security plan.

Finally, if the Department of Homeland Security agrees to accept the facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us a lesson. They will probably have to level a couple of hundred thousand homes in New Orleans, largely because of the toxic materials that have now infiltrated into those homes. Here we have an opportunity moving forward to make sure that we are reducing the most toxic chemicals, even as we substitute other chemicals that can be used in the very same processes to keep our American economy humming.

Mr. Chairman, the events of the past few weeks have served as a wake-up call in so many areas of our lives. We've learned just how vulnerable some of our cities are to Mother Nature, how vulnerable our oil and gas infrastructure is, and, frankly, how vulnerable we all are as we contemplate the implications of our failed response to Hurricane Katrina to future terrorist attacks that will come with no National Weather Service warnings and could be even more devastating.

While the debate over how we can ensure that we move more quickly and efficiently to respond to the next Katrina or 9/11 will wait until another day, there are aspects of the bill in front of us today that can be changed to increase the chances that the potential consequences of such a catastrophe are minimized.

We have learned, for example, that the hurricane has rendered several gulf coast refineries inoperable, and in some cases this may be the status quo for months. We have also learned that the extent to which the hurricane caused breaches in these and other facilities storing toxic chemicals is not yet clear—the very preliminary EPA tests show highly elevated levels of lead and other toxic materials in some areas of New Orleans, and EPA is really only just beginning its environmental sampling process. We may be looking at an environmental catastrophe that requires an enormous amount of money to remediate, in addition to all the other reconstruction and relief costs.

And, though the hurricane was certainly a catastrophe in and of itself, the reality is that a terrorist attack on just one facility containing toxic chemicals could have led to even more

fatalities. According to a recent Congressional Research Service report I requested, there are about 50 facilities in Louisiana at which a worst-case release could put 100,000–999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there are more than 20 facilities at which a worst-case release could put 100,000–999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000–999,999 people at risk. Nationwide, more than 100 facilities pose a risk to more than 1 million people—an attack on or major natural disaster near any of these facilities could result in widespread deaths, injuries and environmental contamination.

While some of the chemicals stored in these facilities are necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled “Eliminating Hometown Hazards” by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands of people at risk, even though safer and economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled “Needless Risk: Oil Refineries and Hazard Reduction” by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans which reportedly has 600,000 pounds of hydrofluoric acid stored on site. According to the Energy Information Administration and press reports, the Chalmette facility spilled tens of thousands of barrels of oil into the surrounding neighborhoods and could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

The Maritime Transportation Security Act addressed some of the security concerns associated with chemical facilities located at or near ports and waterways. As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe that we need to focus not just on cleaning up the damage, but also on trying to reduce the consequences of similar damage occurring in the future, be it due to hurricanes, earthquakes or terrorist attacks. Other legislation may address the need to strengthen the levee system surrounding New Orleans so that future hurricanes can't breach them as easily—my amendment seeks to reduce the potential environmental consequences associated with a future breach of the facilities that house toxic materials.

Specifically, my amendment makes the following common-sense changes to the Maritime Transportation Security Act:

When the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack.

The Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near

densely populated areas or in other sensitive areas that might have important economic or national security significance, so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessments for these facilities as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its National Maritime Transportation Security Plan.

Finally, if the Department of Homeland Security agrees to accept a facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us that we can't ignore the experts' warnings forever—sooner or later, being shortsighted will catch up to us, and as we've seen, the price we may pay may be both costly and to some extent avoidable. My amendment incorporates some of the experts' warnings on chemical facility security into existing requirements for these facilities. Let's not be short-sighted again. I urge my colleagues to support my amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

First, let me suggest that the statement they are going to bulldoze down thousands and thousands of homes because of Katrina that were not blown down is not true. The EPA gave us a briefing. The gentleman should have sat in on it. If he did not know, they found little toxicity in the water. There was nothing there that was being harmful. There could be mildew, but it is not from the toxicity in the water. I do not like to use the statement. Over-exaggeration is not good for debate.

Secondly, may I suggest it is the Coast Guard being required to do another mission, taking from the Coast Guard's real mission and requiring them to do something that should be done with EPA or Homeland Security but not the Coast Guard?

I can tell the gentleman, he serves on the Committee on Homeland Security, I serve on that committee, and I can tell everybody on that committee and this committee, you are not going to whittle away at the Coast Guard having to do things that did not have to do with the mission to begin with. That is not going to happen on my watch.

The idea that the Coast Guard will be required to find an alternative fuel or alternative toxic chemical in place of another, that is the EPA's job, not the Coast Guard.

I do not know why the gentleman does not offer it to the energy bill or to the homeland security bill or some other bill. But why muddy the waters of the Coast Guard and require them again to have another mission? They

have enough missions on their plate right now.

I do believe this is a mischievous amendment. I believe that most of it could actually be done in the communities in which they live. I believe that the port cities can make those decisions themselves. Why should the Coast Guard have to do this, taking money away from the mission they should be doing, that search and rescue, saving our seamen, attending to our fishing pirates, doing the things they are charged to do?

I am not going to add another responsibility to this Coast Guard. I had hoped the gentleman would withdraw his amendment. He has made his other statements. He can put this on another piece of legislation. He can argue, but this is a bill we have put together bipartisanwise. It is a bill agreed to by the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from California (Mr. FILNER) and the gentleman from New Jersey (Mr. LOBIONDO), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN (Mr. GINGREY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I want to begin just by stating that we were briefed by the EPA yesterday and that the EPA has indicated that they have only just begun sampling and that they have, in fact, found highly elevated levels of lead, e.coli and other toxic substances. We are only at the beginning of this entire story.

If I may say to the gentleman from Alaska, I know what the gentleman is saying about making amendments on this issue to other bills. He has to understand the frustration of being in the minority in this institution.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, try 22 years of being in the minority. That is longer than the gentleman has been in the minority.

Mr. MARKEY. Mr. Chairman, I know that the gentleman has now been able successfully, I would say, to have all of his amnesia treatments be completely accepted by his system because I do not think he can really appreciate how many times I have gone before the Committee on Rules and asked for an amendment on this subject, on the energy bill, on the homeland security bill. So it is out of frustration, and I will admit that, it is out of frustration that I attempt to make it on the Coast Guard bill.

The gentleman has some good points, but this is a point that should be raised, and it should be raised especially in the aftermath of New Orleans and the toxicity that is now rampant throughout that community. There is just the need for us to have this discussion, and it is a Coast Guard mission in

general, safety and security, although I accept the gentleman's point that the EPA would be the point on that, but it is difficult for the minority to have amendments successfully accepted on any issue that deals with the EPA out here on the House floor.

That is the reason I raise the point, and that is the reason I announced I was going to ask unanimous consent to withdraw it as well, so the point would be made that it is an important subject. It should be made in other bills. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know that political activation and political implementation are much further down the line and dependent upon the goodwill of the Committee on Rules and the Republican leadership that we have an amendment like that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will further yield, I do hope the gentleman will withdraw the amendment for numerous reasons.

I have to acknowledge one thing. He has been allowed to offer this amendment because I asked for an open rule. I did ask for an open rule because I knew the gentleman and some other people wanted an opportunity to use the platform to bring up this type of subject, and I respect that. I just suggest respectfully that this is not the bill to do this on, and I really request the gentleman to think about withdrawing the amendment.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, I appreciate the fact that it is an open rule; and, from a rules perspective, even a blind squirrel finds an acorn once in a while. So I am out here, and all of a sudden I run into an open rule; and, believe it or not, for me, it is just you have got to make hay when the sun shines, my father used to say. So this is just my opportunity to be able to make the case, knowing at the end of the day that there were other bills that were more appropriate and agencies that had more expertise to be able to do the subject, and at the end of the day knowing that the Coast Guard will be the agency that deals with the consequences of something not being done.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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AMENDMENT NO. 6 OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 254, not voting 16, as follows:

[Roll No. 473]

AYES—163

Abercrombie	Fossella	Moran (VA)
Ackerman	Frank (MA)	Napolitano
Allen	Gonzalez	Neal (MA)
Andrews	Gordon	Obey
Baca	Grijalva	Ortiz
Baird	Gutierrez	Owens
Baldwin	Harman	Pallone
Barrow	Hastings (FL)	Pastor
Becerra	Hinchev	Payne
Berkley	Holt	Pelosi
Berman	Honda	Price (NC)
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Bonner	Inslee	Roybal-Allard
Boucher	Israel	Royce
Boyd	Jackson (IL)	Ryan (OH)
Brady (PA)	Jackson-Lee	Sabo
Brown (OH)	(TX)	Sánchez, Linda
Brown, Corrine	Jefferson	T.
Butterfield	Johnson (CT)	Sanchez, Loretta
Capps	Jones (NC)	Sanders
Capuano	Jones (OH)	Schakowsky
Cardin	Kaptur	Schiff
Cardoza	Kennedy (RI)	Schwartz (PA)
Carnahan	Kildee	Scott (GA)
Carson	Kilpatrick (MI)	Scott (VA)
Case	Kucinich	Serrano
Chandler	Langevin	Shays
Clay	Lantos	Sherman
Cleaver	Larson (CT)	Simmons
Conyers	Lee	Skelton
Cramer	Levin	Slaughter
Crowley	Lewis (GA)	Snyder
Cummings	Lofgren, Zoe	Solis
Davis (AL)	Lowe	Stark
Davis (CA)	Lynch	Strickland
Davis (FL)	Maloney	Stupak
Davis (IL)	Markey	Taylor (MS)
Davis (TN)	Marshall	Thompson (CA)
DeFazio	Matsui	Tierney
DeGette	McCarthy	Towns
DeLahunt	McCollum (MN)	Udall (CO)
DeLauro	McDermott	Udall (NM)
Dicks	McGovern	Van Hollen
Dingell	McKinney	Velázquez
Doggett	McNulty	Visclosky
Edwards	Meehan	Waters
Emanuel	Meeke (FL)	Watson
Engel	Meeks (NY)	Watt
Eshoo	Menendez	Waxman
Etheridge	Millender-	Weiner
Evans	McDonald	Wexler
Farr	Miller (NC)	Woolsey
Fattah	Miller, George	Wu
Filner	Moore (KS)	
Ford	Moore (WI)	

NOES—254

Aderholt	Burton (IN)	Doyle
Akin	Buyer	Drake
Alexander	Camp	Dreier
Bachus	Cannon	Duncan
Baker	Cantor	Ehlers
Barrett (SC)	Capito	Emerson
Bartlett (MD)	Carter	English (PA)
Bass	Castle	Everett
Bean	Chabot	Feeney
Berry	Choccola	Ferguson
Biggart	Clyburn	Fitzpatrick (PA)
Bilirakis	Coble	Flake
Bishop (GA)	Cole (OK)	Foley
Blackburn	Conaway	Forbes
Blunt	Costa	Fortenberry
Boehlert	Costello	Fox
Boehner	Crenshaw	Franks (AZ)
Bonilla	Cubin	Frelinghuysen
Bono	Cuellar	Gallely
Boozman	Culberson	Garrett (NJ)
Boren	Davis (KY)	Gerlach
Boswell	Davis, Jo Ann	Gibbons
Boustany	Davis, Tom	Gilchrest
Bradley (NH)	Deal (GA)	Gillmor
Brady (TX)	DeLay	Gingrey
Brown (SC)	Dent	Gohmert
Brown-Waite,	Diaz-Balart, L.	Goode
Ginny	Diaz-Balart, M.	Goodlatte
Burgess	Doolittle	Granger

Graves	Mack	Rogers (KY)
Green (WI)	Manzullo	Rohrabacher
Green, Al	Marchant	Ros-Lehtinen
Green, Gene	Matheson	Ross
Gutknecht	McCaul (TX)	Ruppersberger
Hall	McCotter	Rush
Harris	McCrery	Ryan (WI)
Hart	McHenry	Ryan (KS)
Hastings (WA)	McHugh	Salazar
Hayes	McIntyre	Saxton
Hayworth	McKeon	Schmidt
Hefley	McMorris	Schwarz (MI)
Hensarling	Mica	Sensenbrenner
Herger	Michaud	Sessions
Hersteth	Miller (FL)	Shadegg
Higgins	Miller (MI)	Shaw
Hinojosa	Mollohan	Sherwood
Hobson	Moran (KS)	Shimkus
Hoekstra	Murphy	Shuster
Holden	Murtha	Simpson
Hostettler	Musgrave	Smith (NJ)
Hulshof	Myrick	Smith (TX)
Hunter	Neugebauer	Smith (WA)
Hyde	Ney	Sodrel
Inglis (SC)	Northup	Souder
Issa	Norwood	Spratt
Jenkins	Nunes	Stearns
Jindal	Nussle	Sullivan
Johnson (IL)	Oberstar	Sweeney
Johnson, E. B.	Osborne	Tancredo
Johnson, Sam	Otter	Tauscher
Kanjorski	Oxley	Terry
Keller	Pascrell	Thomas
Kelly	Paul	Thompson (MS)
Kennedy (MN)	Pearce	Thornberry
Kind	Pence	Tiahrt
King (IA)	Peterson (MN)	Tiberi
King (NY)	Peterson (PA)	Turner
Kingston	Petri	Upton
Kirk	Pitts	Walden (OR)
Kline	Platts	Walsh
Knollenberg	Poe	Wamp
Kolbe	Pomboy	Wasserman
Kuhl (NY)	Porter	Schultz
LaHood	Porter	Weldon (FL)
Larsen (WA)	Price (GA)	Weldon (PA)
Latham	Pryce (OH)	Weller
LaTourette	Putnam	Westmoreland
Leach	Radanovich	Whitfield
Lewis (CA)	Rahall	Wicker
Lewis (KY)	Ramstad	Wilson (NC)
Linder	Regula	Wilson (SM)
Lipinski	Rehberg	Wolf
LoBiondo	Reichert	Wynn
Lucas	Renzi	Young (AK)
Lungren, Daniel	Reynolds	Young (FL)
E.	Rogers (AL)	

NOT VOTING—16

□ 1639

Messrs. EVERETT, GERLACH, DeLAY, McHENRY, GILCHREST, SWEENEY, OSBORNE, AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no."

Messrs. FATTAH, BRADY of Pennsylvania, JONES of North Carolina, and RANGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the committee amendment in the nature of a substitute, as amended.

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

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### REQUEST TO LIMIT VOTING TIME

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to limit voting time to 5 minutes, if ordered, on final passage.

The SPEAKER pro tempore. The Chair cannot entertain that request without prior notification to the Members.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 889 will be followed by a 5-minute vote, if ordered, on adoption of H. Res. 437.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 474]

YEAS—415

Abercrombie	Blunt	Cantor
Ackerman	Boehlert	Capito
Aderholt	Boehner	Capps
Akin	Bonilla	Capuano
Alexander	Bonner	Cardin
Allen	Bono	Cardoza
Andrews	Boozman	Carnahan
Baca	Boren	Carson
Bachus	Boswell	Carter
Baird	Boucher	Case
Baker	Boustany	Castle
Baldwin	Boyd	Chabot
Barrett (SC)	Bradley (NH)	Chandler
Barrow	Brady (PA)	Chocola
Bartlett (MD)	Brady (TX)	Clay
Bass	Brown (OH)	Cleaver
Bean	Brown (SC)	Clyburn
Becerra	Brown, Corrine	Coble
Berkley	Brown-Waite,	Cole (OK)
Berry	Ginny	Conaway
Biggart	Burgess	Conyers
Bilirakis	Burton (IN)	Costa
Bishop (GA)	Butterfield	Costello
Bishop (NY)	Cramer	Cramer
Blackburn	Camp	Crenshaw
Blumenauer	Cannon	Crowley

Cubin	Hyde	Myrick	Sullivan
Cuellar	Inglis (SC)	Napolitano	Sweeney
Culberson	Insee	Neal (MA)	Tancredo
Cummings	Israel	Neugebauer	Tauscher
Davis (AL)	Issa	Ney	Taylor (MS)
Davis (CA)	Jackson (IL)	Northup	Terry
Davis (FL)	Jackson-Lee	Norwood	Thomas
Davis (IL)	(TX)	Nunes	Thompson (CA)
Davis (KY)	Jefferson	Nussle	Thompson (MS)
Davis (TN)	Jenkins	Oberstar	Thornberry
Davis, Jo Ann	Jindal	Obey	Tiahrt
Davis, Tom	Johnson (CT)	Ortiz	Tiberi
Deal (GA)	Johnson (IL)	Osborne	Tierney
DeFazio	Johnson, E. B.	Otter	Towns
DeGette	Johnson, Sam	Owens	Turner
DeLaunt	Jones (NC)	Oxley	Udall (CO)
DeLauro	Jones (OH)	Pallone	
DeLay	Kanjorski	Pascarell	
Dent	Kaptur	Pastor	
Diaz-Balart, L.	Keller	Paul	
Diaz-Balart, M.	Kelly	Payne	
Dicks	Kennedy (MN)	Pearce	
Dingell	Kennedy (RI)	Pelosi	
Doggett	Kildee	Pence	
Doolittle	Kilpatrick (MI)	Peterson (MN)	
Doyle	Kind	Peterson (PA)	
Drake	King (IA)	Petri	
Dreier	King (NY)	Pitts	
Duncan	Kingston	Platts	
Edwards	Kirk	Poe	
Ehlers	Kline	Pombo	
Emanuel	Knollenberg	Pomeroy	
Emerson	Kolbe	Porter	
Engel	Kucinich	Price (GA)	
English (PA)	Kuhl (NY)	Price (NC)	
Eshoo	LaHood	Pryce (OH)	
Etheridge	Langevin	Putnam	
Evans	Lantos	Radanovich	
Everett	Larsen (WA)	Rahall	
Farr	Larson (CT)	Ramstad	
Fattah	Latham	Rangel	
Feeeny	LaTourette	Regula	
Ferguson	Leach	Rehberg	
Filner	Lee	Reichert	
Fitzpatrick (PA)	Levin	Renzi	
Flake	Lewis (CA)	Reyes	
Foley	Lewis (GA)	Reynolds	
Forbes	Lewis (KY)	Rogers (AL)	
Fortenberry	Linder	Rogers (KY)	
Fossella	Lipinski	Rohrabacher	
Foxx	LoBiondo	Ros-Lehtinen	
Frank (MA)	Lofgren, Zoe	Ross	
Franks (AZ)	Lowey	Roybal-Allard	
Frelinghuysen	Lucas	Royce	
Galleghy	Lungren, Daniel	Ruppersberger	
Garrett (NJ)	E.	Rush	
Gerlach	Lynch	Ryan (OH)	
Gibbons	Mack	Ryan (WI)	
Gilchrest	Maloney	Ryun (KS)	
Gillmor	Manzullo	Sabo	
Gingrey	Marchant	Salazar	
Gohmert	Markey	Sánchez, Linda	
Gonzalez	Marshall	T.	
Goode	Matheson	Sanchez, Loretta	
Goodlatte	Matsui	Sanders	
Gordon	McCarthy	Saxton	
Granger	McCaul (TX)	Schakowsky	
Graves	McCollum (MN)	Schiff	
Green (WI)	McCotter	Schmidt	
Green, Al	McCrery	Schwartz (PA)	
Green, Gene	McDermott	Schwarz (MI)	
Grijalva	McGovern	Scott (GA)	
Gutierrez	McHenry	Scott (VA)	
Gutknecht	McHugh	Sensenbrenner	
Hall	McIntyre	Serrano	
Harman	McKeon	Sessions	
Harris	McKinney	Shadegg	
Hart	McMorris	Shaw	
Hastings (FL)	McNulty	Shays	
Hastings (WA)	Meehan	Sherman	
Hayes	Meek (FL)	Sherwood	
Hayworth	Meeks (NY)	Shimkus	
Hefley	Menendez	Shuster	
Hensarling	Mica	Simmons	
Herger	Michaud	Simpson	
Herseth	Millender-	Skelton	
Higgins	McDonald	Slaughter	
Hinchey	Miller (FL)	Smith (NJ)	
Hinojosa	Miller (MI)	Smith (TX)	
Hobson	Miller (NC)	Smith (WA)	
Hoekstra	Miller, George	Snyder	
Holden	Mollohan	Sodrel	
Holt	Moore (KS)	Solis	
Honda	Moore (WI)	Souder	
Hoyer	Moran (KS)	Spratt	
Hostettler	Moran (VA)	Stark	
Hoyer	Murphy	Stearns	
Hulshof	Murtha	Strickland	
Hunter	Musgrave	Stupak	

Udall (NM)	Weldon (PA)
Upton	Weller
Van Hollen	Westmoreland
Velázquez	Wexler
Visclosky	Whitfield
Walden (OR)	Wicker
Walsh	Wilson (NM)
Wamp	Wilson (SC)
Wasserman	Wolf
Schultz	Woolsey
Waters	Wu
Watson	Wynn
Watt	Young (AK)
Waxman	Young (FL)
Weiner	
Weldon (FL)	

#### NOT VOTING—18

Barton (TX)	Cunningham	Olver
Beauprez	Ford	Pickering
Berman	Istook	Rogers (MI)
Bishop (UT)	Melancon	Rothman
Calvert	Miller, Gary	Tanner
Cooper	Nadler	Taylor (NC)

□ 1658

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PUTNAM). The pending business is the de novo vote on adoption of House Resolution 437.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

Aderholt	Cannon	English (PA)
Akin	Cantor	Everett
Alexander	Capito	Feeney
Bachus	Carter	Ferguson
Baker	Castle	Fitzpatrick (PA)
Barrett (SC)	Chabot	Flake
Barrow	Chocola	Foley
Bartlett (MD)	Coble	Forbes
Bass	Cole (OK)	Fortenberry
Biggart	Conaway	Fossella
Bilirakis	Crenshaw	Foxx
Blackburn	Cubin	Franks (AZ)
Blunt	Culberson	Frelinghuysen
Boehlert	Davis (FL)	Garrett (NJ)
Boehner	Davis (KY)	Gerlach
Bonilla	Davis (TN)	Gibbons
Bonner	Davis, Jo Ann	Gilchrest
Bono	Davis, Tom	Gillmor
Boozman	Deal (GA)	Gingrey
Boustany	DeLay	Gohmert
Bradley (NH)	Dent	Goode
Brady (TX)	Diaz-Balart, L.	Goodlatte
Brown (SC)	Diaz-Balart, M.	Granger
Brown-Waite,	Doolittle	Graves
Ginny	Drake	Green (WI)
Burgess	Dreier	Gutknecht
Burton (IN)	Duncan	Hall
Buyer	Ehlers	Harris
Camp	Emerson	Hart

Hastings (WA) McCaul (TX) Royce  
 Hayes McCotter Ryan (WI)  
 Hayworth McCrery Ryan (KS)  
 Hefley McHenry Saxton  
 Hensarling McHugh Shaw  
 Herger McKeon Schmidt  
 Hobson McMorris Schwarz (MI)  
 Hoekstra Mica Sensenbrenner  
 Hostettler Miller (FL) Sessions  
 Hulshof Miller (MI) Shadegg  
 Hunter Moran (KS) Shaw  
 Hyde Murphy Shays  
 Inglis (SC) Myrick Sherwood  
 Issa Neugebauer Shimkus  
 Jenkins Ney Shuster  
 Jindal Northup Simmons  
 Johnson (CT) Norwood Simpson  
 Johnson (IL) Nunes Smith (NJ)  
 Johnson, Sam Nussle Smith (TX)  
 Jones (NC) Osborne Sodrel  
 Keller Otter Souder  
 Kelly Oxley Stearns  
 Kennedy (MN) Paul Sullivan  
 King (IA) Pearce Sweeney  
 King (NY) Pence Tancredo  
 Kingston Peterson (MN) Taylor (MS)  
 Kirk Peterson (PA) Terry  
 Kline Petri Thomas  
 Knollenberg Pitts Thornberry  
 Kolbe Platts Tiaht  
 Kuhl (NY) Poe Tiberi  
 LaHood Pombo Turner  
 Latham Porter Upton  
 LaTourette Price (GA) Walden (OR)  
 Leach Pryce (OH) Walsh  
 Lewis (CA) Putnam Wamp  
 Lewis (KY) Radanovich Weldon (FL)  
 Linder Ramstad Weldon (PA)  
 LoBiondo Regula Weller  
 Lucas Rehberg Westmoreland  
 Lungren, Daniel Reichert Wicker  
 E. Renzi Wilson (NM)  
 Mack Reynolds Wilson (SC)  
 Manzullo Rogers (AL) Wolf  
 Marchant Rogers (KY) Young (AK)  
 Marshall Rohrabacher Young (FL)  
 Matheson Ros-Lehtinen

## NAYS—188

Abercrombie Edwards Lofgren, Zoe  
 Ackerman Emanuel Lowey  
 Allen Engel Lynch  
 Andrews Eshoo Maloney  
 Baird Etheridge Markey  
 Baldwin Evans Matsui  
 Bean Farr McCarthy  
 Becerra Fattah McCollum (MN)  
 Berkley Filner McDermott  
 Berry Frank (MA) McGovern  
 Bishop (GA) Gonzalez McIntyre  
 Bishop (NY) Gordon McKinney  
 Blumenauer Green, Al McNulty  
 Boren Green, Gene Meehan  
 Boswell Grijalva Meek (FL)  
 Boucher Gutierrez Meeks (NY)  
 Boyd Harman Menendez  
 Brady (PA) Hastings (FL) Michaud  
 Brown (OH) Herseth Millender-  
 Brown, Corrine Higgins McDonald  
 Butterfield Hinchey Miller (NC)  
 Capps Hinojosa Miller, George  
 Capuano Holden Mollohan  
 Cardin Holt Moore (KS)  
 Cardoza Honda Moore (WI)  
 Carnahan Hooley Moran (VA)  
 Carson Hoyer Murtha  
 Case Inslee Napolitano  
 Chandler Israel Neal (MA)  
 Clay Jackson (IL) Oberstar  
 Cleaver Jackson-Lee Obey  
 Clyburn (TX) Ortiz  
 Conyers Jefferson Owens  
 Costa Johnson, E. B. Pallone  
 Costello Jones (OH) Pascrell  
 Cramer Kanjorski Pastor  
 Crowley Kaptur Payne  
 Cuellar Kennedy (RI) Pelosi  
 Cummings Kildee Pomeroy  
 Davis (AL) Kilpatrick (MI) Price (NC)  
 Davis (CA) Kind Rahall  
 Davis (IL) Kucinich Rangel  
 DeFazio Langevin Reyes  
 DeGette Lantos Ross  
 Delahunt Larsen (WA) Roybal-Allard  
 DeLauro Larson (CT) Ruppersberger  
 Dicks Lee Rush  
 Dingell Levin Ryan (OH)  
 Doggett Lewis (GA) Sabo  
 Doyle Lipinski Salazar

Sánchez, Linda Snyder  
 T. Solis Velázquez  
 Sanchez, Loretta Spratt Visclosky  
 Sanders Stark Wasserman  
 Schakowsky Strickland Waters  
 Schiff Stupak Watson  
 Schwartz (PA) Tauscher Watt  
 Scott (GA) Thompson (CA) Waxman  
 Scott (VA) Thompson (MS) Weiner  
 Serrano Tierney Wexler  
 Sherman Towns Whitfield  
 Skelton Udall (CO) Woolsey  
 Slaughter Udall (NM) Wu  
 Smith (WA) Van Hollen Wynn

## NOT VOTING—21

Baca Cunningham Nadler  
 Barton (TX) Ford Olver  
 Beauprez Gallegly Pickering  
 Berman Istook Rogers (MI)  
 Bishop (UT) Melancon Rothman  
 Calvert Miller, Gary Tanner  
 Cooper Musgrave Taylor (NC)

□ 1706

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 889, the Clerk be authorized to correct section numbers, punctuation and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 889.

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

There was no objection.

#### AMENDMENT PROCESS FOR H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Committee on Rules may meet the week of September 19 to grant a rule which would limit the amendment process for floor consideration of H.R. 2123, the School Readiness Act of 2005. The Committee on Education and the Workforce ordered the bill reported on May 18 and filed its report with the House on June 16.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the

Committee on Rules in room H-312 of the Capitol by 1 o'clock on Tuesday, September 20. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the week to come, and I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will consider additional legislation under suspension of the rules, as well as two measures under a rule: H.R. 2123, the School Readiness Act of 2005, and H.R. 250, Manufacturing Technology Competitiveness Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the majority leader for that information.

First of all, on the general proposition for the month of October, we had had discussions last week; and it is clear that the second week of October, it will not be practical to meet because of the various important dates on that week. The first week was somewhat in flux at that point in time.

Could the majority leader bring us up to date on where currently the thinking of the leader's office is on where we will be on the first week of October?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentlemen knows, the Rosh Hashanah holiday falls in the middle of that week; and while we wanted to plan the voting schedule for that week around that holiday, and we are still trying to do that, we still believe it may be necessary for the House to be in session at some point in that week.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I realize the problems of doing that; but many of our Members, particularly those who come from

far away, are concerned about traveling on that Wednesday, as the gentleman knows, which makes it problematic because we will have to be very late Thursday. We will obviously accommodate what the majority believes it is going to do.

In that regard, last week, we had thought we probably, or might, be in tomorrow. We are not going to be in tomorrow. Can the majority leader give us a view on what might be the status of next Friday? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. At this point we believe that we can complete the legislation we have scheduled for next week by Thursday night of next week. However, however, given the still fluid situation in the gulf coast area, we are not yet prepared to cancel the session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am presuming, and there was some discussion about this last week, that at some point in time in the next couple of weeks, we are going to have to do some sort of continuing resolution. Is that the gentleman's belief as well? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding. Yes, the way things look, the gentleman knows that we have passed all of our appropriations bills out of the House and did so before July 4. The Senate does not have the same schedule, and it is quite obvious to all of us that they will not be able to get all of their appropriations bills across their floor in a timely manner. So we do anticipate to do some sort of CR before the end of this month. Whether it is next week or the following week, we do not know yet.

Mr. HOYER. Mr. Speaker, does the gentleman have any thoughts at this point in time regarding the length of time of the initial CR that we would consider? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. No, I have not been advised by the Committee on Appropriations as to what they are thinking. I am sure they will start having those discussions with the Senate and the gentleman's leadership starting next week, because we are going to have to deal with that issue.

Mr. HOYER. I thank the gentleman.

The GSE, the GSE bill was initially, our thought was that would be on the floor this coming week.

□ 1715

The gentleman from Massachusetts (Mr. FRANK), the ranking Democrat on the Committee on Financial Services, is on the floor and has been very involved in this bill.

I am not sure you even know this, but the gentleman from Massachusetts (Mr. FRANK) informs me that there are very significant sums that would be available to the gulf area for housing in the GSE bill, which will be regular order, and the benefit would be that this money would be available, and we know we are going to have to spend money in that area.

Can you tell me why the GSE bill is not on the floor? This deals, as you know, with Fannie Mae and Freddie Mac.

Mr. DELAY. Well, we do understand that this bill came out of the Committee on Financial Services I think with a vote of 65 to 5.

It is a bill that is anticipated, and we really want to bring it to the floor. To be quite honest with you, we have some Members on this side of the aisle that are still wanting to negotiate some changes in that bill before we bring it to the floor; and we are in that process. As soon as we can get a consensus of where our Members are on that bill, then we will bring it to the floor.

Mr. HOYER. Mr. Speaker, if the gentlemen from Texas (Mr. DELAY) does not object, let me yield to the gentleman from Massachusetts (Mr. FRANK), the ranking member, because I know he has worked very hard with the gentleman from Ohio (Mr. OXLEY), as you well know, in a very bipartisan way. You mentioned 63 to 5, 65 to 5; and so we did not perceive there to be much opposition to the bill.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, we did obviously get overwhelming consensus in the committee; and the vote among the Republican members of the committee was something 6 to 1 in favor of the bill. By the way, we have had some negotiation since, as the gentleman from Texas (Mr. DELAY) knows because he has been participating in them.

Some of the objections of some of the more conservative Members have been accommodated. Some safeguards were put in. Not everything was done that we liked on our side. We have been trying to be conciliatory, although people obviously had the power to go ahead.

Then, most recently, we decided this is a way to get money, if this bill were to pass quickly, to do housing so badly needed in the gulf area, frankly bypassing some of the normal problems you would have in terms of the need for regulations at OMB.

It would not go on the deficit. There has been a lot of concern about relief efforts that add to the deficit. This would be hundreds of millions of dollars, because it comes from the profits of Fannie Mae and Freddie Mac, not on the deficit.

The only other point I would say, and I would hope the majority would have something to say about it, he said people do not like some things about the bill. Well, as I read the Constitution, I did not find the word negotiation in private among the majority party as part of article I.

I thought bringing bills to the floor and having debates and votes was the way to do it. Now I understand you want to establish some limits. But I do think we are reaching the point where democracy is suffering.

A bill adopted in an open process with hearings and debates in committee and amendments passes 65 to 5.

It has been, what, months since that bill was voted out of committee; and there have been some negotiations.

The notion that the bill cannot come to the floor until all but three Members of the majority are satisfied really flies in the face of democracy. If there are differences, what is the objection to letting the majority of the House of Representatives vote? We are not enormously far apart.

I have voted in the past for this thing called Reg-Neg, negotiated regulations. I do not think it ought to displace democracy. We have a bill that has an overwhelming vote in committee. There are some legitimate differences. Why cannot we let democracy work, and then, whichever side wins, the bill passes and hundreds of millions of dollars are available for the gulf.

Mr. HOYER. Reclaiming my time, I know the leader understands those were largely rhetorical questions.

The gentleman from Massachusetts (Mr. FRANK), however, does express a view that a bill that can be very helpful to us that came out 65 to 5, overwhelming agreement, came out months ago. We do hope that this bill can be brought to the floor, certainly before, hopefully if not the end of next week, the week following. Because we believe it is the kind of legislation that people would be proud of. Democrats and Republicans came together, worked on it, came out with a bill, and it is a very good bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentlewoman from California (Ms. WATERS), the ranking member of the Subcommittee on Housing, has said giving assurance to the people of New Orleans, the poorer people in particular of New Orleans, and, frankly, a lot of African American people, that we will be committed to rebuilding the city so they can come back home is very important. The longer we delay on this bill, the longer we delay giving people what is very important reassurance at a critical time.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman yielding.

The bill that passed out of committee, by the way, would do nothing for New Orleans, nor would it do anything for the disaster relief in Alabama or Mississippi either.

What the gentleman from Massachusetts (Mr. FRANK) is referring to is a negotiation that has been ongoing to create, out of this building fund, at the GSEs an opportunity to change the bill and allow housing to be built in these devastated areas. That is the process around here. It is democracy when Members are negotiating a change to the bill; and in changing that bill in the way that has been suggested and

supported, obviously, by the gentlemen from Massachusetts (Mr. FRANK) other Members ought to have the opportunity to look at this bill and negotiate a bill that would receive the same sort of ratio here on the floor, rather than having a contentious battle on the floor and writing the bill on the floor.

We try our best to write bills in committee, but when the bill changes from committee to the floor, negotiations are created, and we are in the process of those negotiations, and that is the way this process works. The gentleman from Massachusetts has been here a lot longer than me, and he understands that.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Ms. WATERS. Mr. Speaker, one of the things I have been terribly worried about is the inability of Congress to move quickly to do something about the victims of Katrina. I am very, very worried that we are going to be seen as a body that cannot get its act together when we are confronted with this terrible disaster. We have an opportunity to utilize resources that will not be taken from our budget. We have an opportunity to use substantial resources that could be applied toward the rebuilding of homes, to getting people started again; and if we keep fumbling and if we keep fiddling, then we are going to come under great criticism because we are not doing what we can do.

So I would just simply urge all of my colleagues, do not play with this. There are people who are suffering and people who are depending on us. We have got a great way by which to provide real assistance. Let us get it done.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I guess the gentlewoman from California (Ms. WATERS) forgets or has a short memory. I think we came into special session to spend \$10.5 billion just a few days after the disaster hit, came back the next week and spent \$51 billion to go to immediate relief.

We have passed some six to eight bills in the last few days that directly affect people and their ability to get their lives back together. I do not think anybody, and certainly not this House, is dragging its feet on anything.

What the gentlewoman is talking about is a process that, frankly, will take months to get the money that we are talking about in order to build the houses that she wants; and being able to negotiate a few weeks or days to get this bill right and not get it wrong I think is very much the responsible way to proceed.

Mr. HOYER. Mr. Speaker, reclaiming my time.

I appreciate the majority leader's response. There obviously is a difference of view of how soon that those dollars

could flow from the ranking member of the subcommittee and the ranking member of the full committee.

You mentioned days. I would certainly hope it could be days. Because I think we would all be advantaged in a bill, particularly if we could pass it with the overwhelming majority that was received both in the subcommittee and in the full committee.

Moving on, Mr. Leader, in addition to the bills you have listed for next week, do you anticipate any Hurricane Katrina-related legislation will come to floor? And if so, will those bills go through the committee of jurisdiction and be considered under rules on the floor that allow full debate?

You mentioned, as a preface to that, obviously almost all of us voted for the \$52 billion. But I think everybody on the floor was concerned about the level of information we had about what had been spent of the \$10 billion, how much was going to be spent, on what, of the \$52 billion.

In that context I ask that question.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the total of \$62 billion that we have authorized FEMA to spend is designated already in present law. FEMA already knows what they can and cannot spend that money on, and that I know has created some frustrations with people. You cannot have it both ways. You cannot say this is too much money, and we do not know how to spend it, yet be frustrated when FEMA is complying with the law and when they are spending the money. That creates a problem.

As the gentleman knows, the problem is we have a disaster unlike we have seen in this country, not just the hurricane but the displacement of hundreds of thousands of people for a very long period of time and displaced not just out of the area but out of their State, which has created new concerns and new problems; and we are trying to address those immediately.

But the administration is addressing many of these issues within the law through waivers or redesigning certain programs, and a lot of it is being taken that way. But there are some things that we must do. The committees, hopefully working in a bipartisan way, are looking at all of those kinds of issues; and that is where the six or eight bills that we have passed over the last 2 weeks have been coming from.

Understanding that those students, for instance, that may have lost their Pell Grants, in anticipation of going to universities that have closed, need some fix. We fixed that. We tried to develop a system where we could make available more TANF funds earlier, and we fixed that. We went down the line fixing those things that we thought needed fixing immediately. We are still working on others.

I have to tell you that the Senate does not see it the same way, and they

are sitting on these bills and not passing them, and I would urge all Members of the House to contact their Senators and talk to them about picking up these bills and passing them, because they are incredibly important to people that need these changes.

Mr. HOYER. Mr. Speaker, reclaiming my time. I thank the leader for that observation and information.

I would urge the leader, as we bring additional bills to the floor, that we give the opportunity to have these bills fully considered by the floor. We want to move them. We want to move them quickly.

The overwhelming majority of us on both sides of the aisle have voted for all of the bills that you just referenced on the theory, as you said, that we need to move ahead on the Pell Grants and TANF and on the dollars themselves, on liability issues.

But the failure to give full consideration to them, assuming full consideration does not mean days and weeks delay but a full day of consideration of these pieces of legislation, we believe is appropriate, particularly if we deal with another very large money bill.

We hope it goes through committee, and we hope it comes to the floor with an opportunity for Members to make suggestions in forms of amendment, either cutting or adding or shifting, as the case may be, those resources. Because we think that is, you know, the theory of the process is, our collective judgments are better than our individual judgments. And that is what democracy is.

□ 1730

Mr. DELAY. The gentleman is absolutely right, and I hope Members will pay attention to this unusual process that we are using. The gentleman is right. To what extent we can, we ought to use regular order, but these are unusual times. And there are things that need to be done immediately. And I do not think the people that have been devastated by this disaster want us to wait a week to vet things and that kind of stuff, particularly if you were one of those students that was trying to get into another university and could not transfer your Pell grant to that other university. I think they are appreciating that we are trying to move as quickly as possible so they can do that. That is just one example of many examples.

The point is that we are trying to do this in a bipartisan way. If there are ranking members that are not being consulted, then I want to hear about it. Members should understand that we are trying to get it out to the Members and we are more than willing to hear anything from anybody, so they should be working through their ranking member and on our side of the aisle, their full committee chairman. But there are some things that we need to get to the floor as quickly as possible.

At any rate, it is taking several days to get these bills done so Members have

an opportunity to participate and have their input. We are going regular order on most of the bills, but there are some that need attention immediately; and that is why we moved quickly in consultation and cooperation with the other side of the aisle. And we thought these were all bills that had everybody's consent because we even checked with the Senate, we checked with the administration, and we thought these bills could move quickly. Unfortunately, the Senate sees it differently.

Mr. HOYER. I thank the gentleman. I would simply add again that as the gentleman indicated, trying to go regular order, obviously, both sides understand that these are things we need to move with great dispatch so we can help the people that need help and get it to them when they need the help. We are all for that.

On the supplemental, the President has indicated there is going to be a need for another supplemental. Do you know when we might consider such a supplemental; how much that supplemental might be for? And if we start considering it early, while the \$52 billion is still available to be expended to assist those, it will give us a little bit of time to go through the process that the gentleman indicates is the best process.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. I do not know, other than in the press, and in many of these issues the press has gotten it wrong, that there has been any supplemental suggested by the President of the United States. He has not contacted my office. As far as I know, he has not contacted the Speaker's office, nor the chairman of the appropriations office about another supplemental. Quite the contrary. They are trying to avoid having another supplemental and trying to spend the money properly and get it to the people that need it. So I am not aware of any supplemental certainly in the short term.

Mr. HOYER. I thank the gentleman for that information.

Now, there is some speculation about an energy bill being considered. Obviously, gasoline prices are extraordinarily high. The American public is very concerned about their energy costs, about the policies of this country. Do you anticipate an energy bill coming to the floor any time within the next 2 weeks or 3 weeks?

Mr. DELAY. I appreciate the question, because Members need to be aware that the Committee on Energy and Commerce is working on a fuel bill to try to address the concerns, particularly of supply and the lack of refining in this country.

The gentleman knows that there were a lot of issues that were dropped out of the energy bill that was signed by the President about a month ago that would be having an effect right now. We are going to revisit those issues.

There are other issues that have come to mind. People are starting to understand that as the cold weather starts closing in on us that the cost of fuel oil is going to be astronomical, that the increase in electricity costs are going to be astronomical. The cost of natural gas is going up, and we all understand that supply is the real problem; and we are going to try to address that and hopefully address it as soon as we can, do it in regular order, and bring it to the floor for consideration of this House.

Mr. HOYER. I thank the gentleman. Do you have any idea what "as soon as possible" is, the time frame? Next 3 weeks, next month, late October, November? Do you have any idea on that?

Mr. DELAY. There is really no way of knowing. It is really up to the committee and how fast they can do their work. I might say that the chairman of the committee's wife is having a baby today so that has created a problem. Not for him, but for our schedule. So they are working as hard and as fast as they can, and it is incredibly important for us to deal with this issue as soon as possible.

Mr. HOYER. Reclaiming my time, and I agree with you that is not a problem. Please convey the Democratic congratulations to the chairman and more importantly his wife, the mother.

Two last bills I will ask you about, Mr. Leader, and I appreciate the time we are taking on this. Reconciliation: There was a discussion about putting off reconciliation. We have put off reconciliation at least until the end of the month, as I understand it probably until October. Can you tell me whether or not we still anticipate reconciliation moving forward and, if so, are there going to be two bills? One the \$35 billion in mandatory spending cuts among which is \$10 billion in Medicaid cuts, and/or the \$70 billion in tax cuts that was included in the budget reconciliation instructions.

Mr. DELAY. I appreciate the gentleman yielding and for the question. The gentleman probably knows that I think today the Committee on the Budget has sent a notice to the House that they have postponed the process until the end of October because of what is facing us now. We thought it would be better to do that, and the Committee on the Budget agreed. And so this process will not even be started until the middle of October.

As the gentleman also knows, the budget that was passed by the House allows for two bills, one an entitlement reform bill and another a tax bill. We anticipate taking advantage of both and trying to reform entitlement spending so that real money is getting to real people that need it. And we also anticipate some sort of tax bill because we feel like, particularly under the present circumstances, to continue this good economy that we have got, we hope to enhance it even more.

Mr. HOYER. Reclaiming my time, the last bill I would ask you about is

the subject matter that has been one of the biggest subjects that we have been considering this year. The President put it on the agenda, the Social Security privatization, private accounts act. Can you tell me whether or not we anticipate a Social Security bill coming to create private accounts or privatize in some way Social Security coming to the floor this year.

Mr. DELAY. The Committee on Ways and Means remains focused on developing a comprehensive retirement security package. And I still hope that the House will be able to consider legislation in this area before we end this session. That is about as much as I am informed as to where the bill is, what is in it, and when it will come.

Mr. HOYER. I thank the gentleman. Let me say on behalf of the minority, the Democrat side of the aisle shares your concern and commitment to assuring retirement security for our people. As you know, we strongly disagree with the suggestion that has been made by the administration with reference to the creation of private accounts and what we perceive as privatizing parts of Social Security. But I want you to be assured that we share your view that we want to make sure that retirement accounts are secure and that Americans have opportunities to participate in the creation of retirement accounts. I thank the gentleman for his observation.

ADJOURNMENT TO MONDAY, SEPTEMBER 19, 2005, AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 20, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 445) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

*Resolved*, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.

Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.

Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.

Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES ON SEPTEMBER 20, 2005

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 237) expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 237

Whereas for more than 50 years an iron-clad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas the upcoming September 20, 2005, visit to the United States of Taiwan's President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

Whereas on September 20, 2005, Taiwan's President Chen Shui-bian will be presented the Human Rights Award by the Congressional Human Rights Caucus for his efforts in promoting tolerance, democracy, and human rights;

Whereas Taiwan's President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign

against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq; and

Whereas the Government of Taiwan has donated \$2 million to the Government of the United States to help with relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on September 20, 2005;

(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;

(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;

(4) recognizes the commitment and efforts of President Chen Shui-bian of Taiwan to maintain the peace and stability in the Taiwan Strait;

(5) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the Congressional Human Rights Caucus; and

(6) thanks President Chen Shui-bian and the government and people of Taiwan for their contribution to relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. CHABOT:

In the first clause of the preamble, strike "iron-clad relationship" and insert "enduring friendship".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Ohio (Mr. CHABOT).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
September 15, 2005.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

I will make the determinations required by Rule VIII.

Sincerely,

WILLIAM J. JEFFERSON,  
*Member of Congress.*

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3763

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3763.

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

There was no objection.

#### REPORT CONTAINING RECOMMENDATIONS OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-56)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 15, 2005.

#### KATRINA RELIEF

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I look forward to hearing the President address the Nation this evening on our plan to be certain that America's Gulf Coast States continue to receive the assistance they need to rebuild.

I want him to know that Tennessee is doing our part to help those that are affected by Katrina. The past few days I have talked about some of the good work our west and middle Tennessee organizations have done to assist the recovery effort.

Today I want to thank our Clarksville and Montgomery County, Tennessee, volunteers and organizations, especially those providing food, like Urban Ministries, Loaves & Fishes, and the Department of Human Resources. The Hilldale Church of Christ and the Cumberland Baptists Association are providing shelter. The Salvation Army Thrift Store and First Call For Help have provided clothing.

□ 1745

We have seen Gateway Health System and our County Health Department assist with medical care.

Austin Peay State University has opened their doors, and they are receiving displaced students.

Mr. Speaker, in the aftermath of the hurricane, we have seen ordinary Americans do extraordinary things. I want to thank our Tennessee communities for pitching in.

#### GAZA PULLOUT

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, Israeli Prime Minister Ariel Sharon has shown bold leadership. Prime Minister Sharon took a significant risk to both his political future and personal safety to organize the Israeli pullout of Gaza.

Thousands of Israelis were moved from their homes in Gaza to give peace a chance. With no guarantees from the Palestinians, the Israelis moved all that was important to them, moved their home, their goods, including the remains of their families and friends.

Mahmoud Abbas and the Palestinian Authority must show leadership and root out radical terrorist groups like Hamas. Israel took the first step in the hope of developing a lasting peace with the Palestinians. Abbas must confront violence against Israelis, eliminate the terrorist infrastructure, disarm and arrest those involved in terrorist plots and institute democratic reforms in all Palestinian-controlled areas.

Mr. Speaker, Prime Minister Sharon showed bold leadership and courage. Now the Palestinians must act.

#### AIRLINE EMPLOYEES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday, two cornerstones of the airline industry filed for bankruptcy. The headlines this morning talk about Delta and Northwest and the customers, but what should be on the front page are headlines about the employees. The employees are the ones who will be impacted the most. Delta and Northwest combined have over 90,000 employees, and that number does not include the retirees who will also have to deal with this issue.

People who have worked a lifetime to retire comfortably are now in jeopardy of having their promised benefits cut by 75 percent. Can you imagine that, 75 percent?

Delta and Northwest Airlines are the latest casualties in a competitive airline industry, and these recent Chapter 11 filings are a symptom of a greater problem and must serve as a wake-up call for all of us. Employees must have the flexibility to choose how they wish to secure their retirements if legacy carriers are to remain in the industry. This means IRAs and 401(k)s, the power to secure your retirement should be in your own hands.

Mr. Speaker, the news today affects all of us, and I ask my colleagues to support comprehensive airline pension reform so these employees retain a more secure future.

#### IN MEMORY OF JUDGE MARC WESTBROOK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost a judicial statesman with the death of Judge Marc Westbrook. In dedicating the Lexington County Courthouse main courtroom in his honor, Marc was fondly recognized as a loving father, devoted husband, dedicated son, conscientious legislator and brilliant judge. These accolades are truer today than ever before.

Judge Westbrook is a role model and mentor of integrity and competence for young lawyers who served as clerks, such as my son Alan and my Chief of Staff Eric Dell. In addition to his passing, we give tribute to his law clerk Randall Davis, Junior, who also sadly was killed in yesterday's traffic accident.

The Wilson family, especially our oldest son Alan, who considered the judge an uncle, extends its deepest sympathies to his wife, Linda; his sons, Thad and Richard; his father, Herb; his sister, Dottie; his beloved granddaughter, Abby; and his additional family members. We also express our deepest sympathies to the Davis family and his father Randy and sister Julie.

In conclusion, God bless our troops, and we will never forget September 11.

APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 20, 2005

The SPEAKER pro tempore (Mr. DAVIS of Kentucky) laid before the House the following Communication from the Speaker:

WASHINGTON, DC,  
September 15, 2005.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

J. DENNIS HASTERT,  
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will proceed to recognize Members for Special Order speeches without prejudice to possible further legislative business.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE COMING CATEGORY 5 FINANCIAL HURRICANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the tragic events of abject poverty in New Orleans revealed on national TV by Katrina's destruction were real eye-openers for many. These scenes prompted two emotional reactions. One side claimed Katrina proved there was not enough government welfare and its distribution was based on race. The other side claims we need to pump billions of new dollars into the very agency that failed, FEMA, while giving it extraordinary new police powers. Both sides support more authoritarianism, more centralization, and even the imposition of martial law in times of natural disasters.

There is no hint that we will resort to reason now that the failed welfare policies of the past 60 years have been laid bare. Certainly no one has connected the tragedy of poverty in New Orleans to the flawed monetary system that has significantly contributed to the impoverishment of a huge segment of American society.

Congress reacted to Katrina in the expected irresponsible manner. It immediately appropriated over \$60 billion with little planning or debate. Taxes

will not be raised to pay the bill, fortunately. There will be no offsets or spending reductions to pay the bill. Welfare and entitlement spending is sacrosanct, spending for the war in Iraq and the military industrial complex is sacrosanct, but there is no guarantee that gracious foreign lenders will step forward, especially without raising interest rates. This means the Federal Reserve and the Treasury will print the money needed to pay the bills.

The sad truth is that monetary debasement hurts the poor people the most, the very people we saw on TV after Katrina. Inflating our currency hurts the poor and destroys the middle class, while transferring wealth to the ruling class. This occurs in spite of the good intentions and the misplaced compassion.

We face a coming financial crisis. Our current account deficit is more than \$600 billion annually. Our foreign debt is now more than \$3 trillion. Foreigners now own over \$1.4 trillion of our Treasury and mortgage debt. We must borrow \$3 billion from foreigners every business day to maintain our extravagant spending. Our national debt is now increasing over \$600 billion per year; and, guess what, we print over \$600 billion per year to keep the charade going. The national debt is approaching \$8 trillion, but there is a limit, and I am fearful we are fast approaching it.

Runaway inflation is a well-known phenomenon. It leads to political and economic chaos of the kind we witnessed in New Orleans. Hopefully, we will come to our senses and not allow that to happen, but we are vulnerable, and we have only ourselves to blame.

The flawed paper money system in existence only since 1971 has allowed for the irresponsible spending of the past 30 years. Without a linkage to gold, the Washington politicians and the Federal reserve have no restraints placed on their power to devalue our money by merely printing more to pay the bills run up by the welfare-warfare State.

This system of money is a big contributing factor in the exporting of American jobs, especially in the manufacturing industries.

Since the last link to gold was severed in 1971, the dollar has lost 92 percent of its value relative to gold, with gold going from \$35 an ounce to \$450 per ounce.

A major adjustment of the dollar and the current account deficit can come anytime, and the longer the delay the greater the distortions will be in terms of a correction. In the meantime, we give leverage to our economic competitors and our political adversaries, especially China.

The current system is held together by a false confidence in the U.S. dollar that is vulnerable to sudden changes in the economy and political events.

This is my suggestion to my colleagues. Any new expenditures must

have offsets greater in amount than the new programs. Foreign military and foreign aid expenditures must be the first target. The Federal Reserve must stop inflating the currency merely for the purpose of artificially lowering interest rates to perpetuate a financial bubble.

This policy allows government and consumer debt to grow beyond sustainable levels, while undermining incentives to save. This, in turn, undermines capital investment, while exaggerating consumption. If this policy does not change, the dollar must fall, and the current account deficit will play havoc until the house of cards collapse.

Our spending habits, in combination with our flawed monetary system, if not changed will bring us a financial whirlwind that will make Katrina look like a minor storm. Loss of competence in the dollar and the international financial system is a frightening possibility, but it need not happen if Congress can curb its appetite for buying the people's support through unrestrained spending.

If Congress does not show some sense of financial restraint soon, we can expect the poor to become poorer; the middle class to become smaller; and the government to get bigger and more authoritarian—while the liberty of the people is diminished. The illusion that deficits, printing money, and expanding the welfare and warfare states serve the people must come to an end.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### RECOGNIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today, in the Committee on International Relations a remarkable thing happened. Not one but two resolutions recognizing the facts of the Armenian genocide passed out of the committee with strong bipartisan support, indeed with the support of both the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member.

One of those resolutions I introduced to recognize the first genocide of the 20th century, the genocide which claimed the lives of 1.5 million Armenian men, women and children. The facts of that genocide are clear. The facts of genocide are incontrovertible. They are borne out in thousands of pages of documents in our own archives. They are borne out in the words and the transmitted telegrams of our Ambassador, Henry Morgenthau, at the time.

The only obstacle that the Congress has faced, and it has been a formidable one, in recognizing the Armenian genocide is the resistance of the Republic of Turkey, the well-documented efforts of its powerful lobbyist, and the feeling of some that, by recognizing what all historians have recognized, that we will somehow jeopardize our relations with an ally.

□ 1800

I have never taken issue with the fact that Turkey is an ally to the United States. It is an ally. It is at a strategic crossroads. It is an important member of NATO. At the same time, we cannot equivocate about the murder of 1.5 million people; and the differences that we have had with Turkey, and they have been considerable, over a whole host of issues have not ruptured our relationship.

During the run-up to the Iraq war, many of my colleagues will remember, we sought the permission of Turkey to allow American and Coalition ground forces to enter Iraq through Turkey. The Turkish Parliament voted on that, and they voted against it. That was of enormous significance to this country.

As a result of that, we could not open that second northern front; as a result of that, many melted away to the Iraqi population, many of the insurgents that we now fight with so bitterly. That had enormous consequences, but it did not end the relationship with the United States, and recognition of the historic facts of the genocide will not end the relationship with Ankara, either. There are strong mutual interests at stake which will transcend the recognition of the historic facts.

In the past, American leaders have recognized the genocide. Ronald Reagan spoke eloquently of the facts of the genocide. Winston Churchill in his memoirs documents the murder of hundreds of thousands of Armenians in a crime at the time that was unequalled. Yet here we are, fresh from recognizing, as indeed we should and as indeed we must, the genocide going on in Darfur, but unwilling to recognize the murder of 1.5 million Armenians.

What does that say about American policy? Can our policy be that we will recognize genocide when it is committed by the politically impotent, as in the case of Sudan, but not in the case of the politically powerful as in the case of the Ottoman Empire and its Turkish successors? This certainly cannot be the policy of the United States. We must recognize unequivocally that, beginning in 1915, 1.5 million people were murdered merely because of who they were as a people, the very definition of genocide.

With the passage of these resolutions, with the support of the chair and the ranking member, with the overwhelming support on both sides of the aisle in committee, I hope that we can get a vote on the House floor, something we have not had in more than a decade, so that we can once again reestablish the moral authority and clarity

that comes with recognizing genocide, past or present, foe or friend, alike. I urge the Members of this House to join in an effort to call upon the leadership to hear the genocide resolution, and I hope the leadership will heed that call.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ANGELS IN ADOPTION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this week we have had a lot of focus on various sad issues, but there was a wonderful situation that occurred in Washington this week: people came from all over the country for a program called Angels in Adoption.

There was a wonderful couple from the fifth district who came to receive the Angels in Adoption award, George and Brenda Ball. I nominated them for this award and had the opportunity to talk with them and meet with them while they were here. They are a wonderful couple who have taken into their home a lot of children who need love and care, and I would like to share parts of an article written about them from the Winston-Salem Journal and hold them up to ourselves and to others for the great work that they are doing. They live in a little town called Tobaccoville, and here is part of the article:

"When George and Brenda Ball hear of a child in trouble, they open their arms. Never mind that, before they married in 1980, he had already raised five children and she had raised three. Never mind that they are great grandparents in their 60s. Their house still rings with the voices of children. Over the past 19 years, they have cared for about 30 foster children and adopted seven of them, most with special needs. They plan to adopt their current foster child, an 18-month-old girl . . .

"I see it as an award for Forsyth County and North Carolina and for all the foster parents and adoptive parents," Brenda Ball said. "I'm just thrilled to death."

"The Balls took in their first foster child, Kelly, in 1986. 'We just didn't have any children in the home,' Brenda Ball, said. 'We kept hearing all these horrible stories about children being abused and neglected.'

"The decision to adopt Kelly was a hard one, she said. 'We weren't sure we were ready to commit the rest of our lives to having children around,' but they did not want to put Kelly through

any more heartache so they decided to keep her. Kelly is now 21 and married. After Kelly, the decision to adopt became easier.

"Next came Eugene, 22, who now lives nearby with his biological mother. The Balls have always encouraged their adopted children to stay in touch with their biological families and are willing for them to be reunited if the parents are able to care for them.

"With Kelly and Eugene in the house, Brenda Ball decided to retire from her job in reservations with U.S. Airways. George Ball is retired from the Winston-Salem/Forsyth County schools, where he was an assistant supervisor in housekeeping, and from the Air Force.

"We made the decision that, with all their needs, it was more important to be here for them,' Brenda Ball said. 'We just decided that children needed us more than we needed the money.'

"And the children kept coming. The Balls asked for children with medical problems because they knew they could handle them. Most of their adopted children had mild to severe medical problems caused by premature births and the effects of alcohol and drugs that their biological mothers used when they were pregnant.

"George Ball, 68, roller blades and plays basketball with the children. His wife stays on the move.

"The Balls have served as surrogate parents to the children in their neighborhood. 'I never know when I cook a meal how many will sit there or how many shifts will run,' she said.

"She is happy to think that her children are not among the many who have to worry about where their next meal will come from, or who move every month when the rent comes due, or who lie awake at night listening to their parents fight over drugs. 'There is nothing sadder than a kid wanting a family,' she said. 'That is why I have ended up having eight.'"

We are so fortunate to have wonderful people like George and Brenda Ball and all the Angels in Adoption, and I salute them tonight.

#### FEMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have before me a speech given by James Lee Witt who was the director of the Federal Emergency Management Agency during the Clinton administration. It is actually testimony given on May 22, 2004. I think it is very relevant to the debate we had here today about what went wrong and how we are going to fix it and how we are going to understand what went wrong.

Basically, Mr. Witt predicted what happened. Here is some of his testimony.

Particularly on this issue of Department of Homeland Security and FEMA as an independent agency as the orga-

nization that responded for 8 years to the American people's needs in a customer-serviced focused way, that has been destroyed. It is not there now. It is buried down in the bottom of a huge bureaucracy. It now has no communications within the agency itself, nor does it have communications with State and local government where, before, we had a partnership working with State and local governments.

There is not even communications from FEMA headquarters in Washington to their 10 regional offices. FEMA employees call me constantly. They have got so many vacant offices within FEMA headquarters now that I doubt they could respond to a catastrophic event.

This was testimony on May 22, 2004. Because, when we left in 2001, FEMA was ranked as one of the top agencies in the Federal Government to work for. Just recently in the Washington Post, it was ranked dead last at 28. The morale within the agency is so bad some of the senior level people have quit, some that have the historical knowledge and capabilities to respond, recover, repair, everything the agency did. Our Nation right now suffers on the interoperability of public safety communications. It is zero.

This is James Lee Witt, May 22, 2004, talking about the state of the Federal Emergency Management Agency that this administration had said of the former director, Brownie, you're doing a great job. Of course, Brownie is now gone. But it is a much bigger problem than Brownie, the political hack appointed by the President to head this agency, which had been downgraded, underfunded, and basically dismissed by the Bush administration. It is a problem that is of tremendous magnitude.

Today, the House voted to investigate itself. I doubt that we will get an honest report out of the Republican majority here.

We offered an amendment on the floor. We said: if you put FEMA into this bureaucracy, you will degrade its capabilities. On a virtually partisan line vote, I think 10 brave Republicans voted with us, that amendment was rejected. I guess we were a little bit wrong. It is even worse and quicker than we could have thought that FEMA has been destroyed. It is extraordinary.

I hear so many speeches on the floor every night. One gentleman ended tonight with: "We will never forget 9/11." We will not forget 9/11? What was the most basic lesson of 9/11 that killed many first responders who could have survived? The fact that they did not have secure interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriffs, police, fire, emergency personnel to purchase interoperable or upgrade to interoperable communications in his budget this year. And the appropriations moved through this House doing the same.

Now, my colleagues will say, oh, no one could have anticipated this, and how could we have known, and this was a disaster of untold magnitude, and those local officials, they did not do their job. But it is actually the Congress that has to bear a lot of the responsibility here. It was the Congress that agreed with the politically motivated plan out of the White House to stick FEMA into the Homeland Security bureaucracy. It was the Congress that agreed with the President to cut the budget of FEMA, to cut the disaster teams from three to two. And we wonder why they could not respond and why people died unnecessarily?

We need a fair and honest evaluation and investigation comparable to the 9/11 Commission to unearth the facts around this. There are things that need to be done besides restoring FEMA to an independent, professionally led agency status with a robust budget. We are also entering into the greatest rebuilding effort and restoration and relief effort in the history of our country. We need to see that those monies will not be misspent; that those monies will not go to crisis profiteers; that they will get to the people and the communities that need it and the rebuilding will be done appropriately; that we will invest in the infrastructure that was not invested in to protect New Orleans.

And it is not unique to New Orleans. I have jetties failing in the State of Oregon. The Corps of Engineers has no money to fix them. If they fail much more, it will cost 10 times as much to rebuild them. I have a dam that was failing in my district, and the corps had to scramble all around the country to find the money to begin to rebuild that dam. It is not their fault. Congress has not given them the funds, and the President has not recommended the funds to protect the American people from disaster.

So we need to invest not only in a reconstructed FEMA but also in a more robust budget for the Corps of Engineers for prevention. And we need to make certain the dollars we are borrowing, because every dollar of this is borrowed, are spent wisely. And maybe we should reconsider the tax cuts for people who earn over \$300,000 a year and have estates worth \$600,000. Maybe they should contribute to the recovery effort too.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### IN MEMORY OF WILBUR MYRICK, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, I come to the floor tonight to honor the memory of a great American, my father-in-law, Wilbur Myrick. He saw a lot of change during his 95 years on this Earth.

He lived during the time when indoor plumbing replaced outhouses and water wells, when wooden stoves were replaced by electric stoves, and when food no longer needed to be cooked fresh, but could be refrigerated and cooked in a microwave. He saw transportation change from a wheel and wagon to cars, buses, and then airplanes. And he even saw a man walk on the Moon. He saw great medical advances like the eradication of smallpox and the treatment of life-threatening diseases with advanced medicine and surgery. He saw communications change from mail to telephones to faxes and to e-mail.

He lived through World War I, World War II, Korea, Vietnam, the gulf war, and the war on terror. He saw America rise to a world superpower, and he saw the Iron Curtain spread across Europe only to see it crumble years later. He saw the tragedy at Pearl Harbor and the tragedy on 9/11. He saw leaders like Churchill and Roosevelt.

In his later years, Wilbur still kept up with current events. He would sit and watch C-SPAN and call me about specific bills. He could quote the bill number and tell me what it was and what it would do, and then he would ask what were we going to do about it.

□ 1815

It taught me a lot about him and how much he loved America. If only we had more Americans like Wilbur Myrick. At a time when most Americans are filled with apathy, he stood out as an example of who we should all strive to be. He was filled with hope, hope for a better tomorrow and for a better America.

Perhaps the best words to be said about him are from his granddaughter, Mia Myrick Alderman:

“My grandfather died last night.

“Granddaddy was old, very old. His 96th birthday is just over a month away. He is no longer languishing in a convalescent home, his body giving out more every day. He is free again and with the others, the others who have gone before him. My grandmother, his wife, who called him ‘Myrick.’ His large family, including a sister who died during the 1918 flu epidemic when my grandfather was 9 years old. He did not get sick and all by himself he cared for his family and their farm. A strong 9-year-old, my grandfather grew to be a strong man.

“He was not a complicated man. I do not know much about his life before me. I am the oldest of his five grandchildren, seven great-grandchildren and four great-great-grandchildren, but I know all about my granddaddy, who was just 51 when I was born.

“My grandfather is just another old man to die in a small North Carolina

town called Weldon. One of many who die every day, but to me he was a magical, special person. He was not in any way unique compared to all the other old men in Weldon, but when I went to visit my grandfather as a child he was very unique to me: His North Carolina-Virginia border accent; those southern sayings; the way he hugged me and laughed; the way his house and even the earth around his house smelled; the things he knew, secrets I thought only granddaddy knew, like how to thump a watermelon to see if it is ripe. I find myself doing that any time I buy one. I am not sure how it works, but I believe in magic. I loved my grandfather.

“I remember sitting on his lap as a very small child touching the black hair on his arm and I loved him. The last time I saw my grandfather in the hospital, I held his hand and looked at the hair on his arm, now barely there and I knew he would soon be free.

“When my grandfather died I lost forever a person and a culture that was magical and unique. Fascinating to me as a child and with me always in my child heart. My grandfather was a very unique and important man to me and I wanted to do this one last thing for him.

“As another old man from a little town called Weldon dies, so does my granddaddy, a very important man.”

#### STORMS DO NOT RECOGNIZE STATE BOUNDARIES, WHY DOES FEMA?

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today, first of all, to thank the gentleman from New York (Mr. RANGEL), the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Mr. MCCRERY). It is because of their flexibility and sensitivity that the residents of Florida who suffered damage as a result of Hurricane Katrina are one step closer to getting emergency tax relief for those affected by the hurricane.

Today, we provided emergency tax relief for Floridians affected by Hurricane Katrina as well as for those affected in our neighboring States to our west. I am so pleased to have been able to come together with my Florida colleagues, Messrs. Foley, Diaz-Balart, and Shaw to make this possible.

As a Member of Congress that represents South Florida, I can empathize with the victims of Hurricane Katrina because my home, South Florida, has been struck by numerous hurricanes and is threatened by them every year.

The scenes of the destruction throughout Louisiana, Mississippi and Alabama have reminded South Floridians of the devastation of Hurricane Andrew, a Category 5 hurricane which struck South Florida 13 years ago.

The pain of those who lost loved ones, their homes, their pets, and who now find themselves in temporary housing, thousands of miles from home, their pain is palpable and every Floridian's heart goes out to them. However, I rise tonight to call the Nation's attention to something that I think has been overlooked, understandably, by the Nation, and that is the plight of those residents in Florida who suffered damage because of Hurricane Katrina.

Hurricane Katrina's first victim was Florida as it struck the Broward and Miami-Dade counties as a Category 1 storm on August 25, leaving hundreds of damaged or destroyed homes in its wake. Many of the farmers and agricultural workers that grow and tend these crops that were damaged will be out of jobs or will lose significant income this year as a result of this storm.

Craig Fugate, Florida's emergency management chief, told FEMA officials last week that the State expects the loss of over 2,000 farm-related jobs in Miami-Dade County alone. Okra, malanga, sweet potato and cassava crops have been destroyed, he said, resulting in about a \$492 million loss.

That is why it came as a surprise to many homeowners in Florida when FEMA announced that it would not be providing individual assistance to residents of Florida who suffered damage as a result of Hurricane Katrina. I want to make it very clear what the effect of this decision means to the residents of South Florida who suffered damage in Hurricane Katrina.

This year, this is what FEMA will not pay for after Hurricane Katrina struck Florida. This woman here, who has had the roof ripped off her house and most of her possessions water damaged: FEMA's response to her, You are on your own, good luck.

How about this family here? This woman is standing in water up to her knees. Her cars are halfway submerged. These are not fancy cars. These are later model, 10-year-old cars. What was FEMA's response to her family's request for assistance? The same as it was to the people in New Orleans during the first days following Hurricane Katrina's aftermath when it hit the Gulf States: You are on your own.

My question to FEMA is this: Storms do not know State boundaries, so why does FEMA?

FEMA has set an arbitrary and discretionary threshold of 800 homes that have been destroyed or badly damaged as a result of Hurricane Katrina. Let me reiterate this is a purely discretionary number. Title 44 in the Code of Federal Regulations states, "There is no set threshold for recommending individual assistance."

It is estimated that more than half of the residents who need assistance with storm recovery in Broward and Miami-Dade counties live on less than \$20,000 a year. Yet FEMA denied Federal aid to those who qualified. Most of the mobile home residents in Broward im-

pacted by Katrina are primarily uninsured or underinsured.

My State has been hit by six hurricanes over the past year and a half. This is a constant plague that the residents of Florida deal with, and the denial of aid to those in need is irresponsible and unconscionable.

I introduced legislation last week that calls on FEMA to provide the much-needed assistance to the residents of Florida who are victims of Hurricane Katrina. I plead with my colleagues, as we did today with the Katrina Tax Relief bill, let us make sure we do not turn our backs on the first victims of Hurricane Katrina and give help to those in need, regardless of State line.

#### VALLE VIDAL PROTECTION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Valle Vidal Protection Act of 2005. The Valle Vidal is located in the heart of the Sangre de Cristo Mountains in northern New Mexico and is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State. This "living valley" is an incredibly important ecological treasure whose value lies in its wilderness and natural beauty, not in its finite supply of energy.

The Valle Vidal is a special place for New Mexicans and people from around the world who come to relax in its alpine majesty and enjoy outdoor recreation and sporting opportunities. Boy Scouts from all over the country have come to the adjacent Philmont Scout Ranch for decades and each year spend thousands of hours doing conservation work and earning merit badges in the Valle Vidal.

Over the past 2 years, I have followed closely numerous events concerning the Valle Vidal. I have traveled to the Valle Vidal to witness its beauty, spoken with my constituents and others from the State, tracked political developments, and reviewed regulatory or policy initiatives undertaken by this administration. I have also received thousands of calls, e-mails, faxes, and letters against drilling and practically none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from oil and gas development.

The modern history of the Valle Vidal dates back to 1841 when Mexican Governor Manuel Armijo granted 1.7 million acres, the largest single landholding in the western hemisphere, to Guadalupe Miranda of Taos and a French trapper named Carlos Beaubien. This land grant, which included the 100,000 acre piece now known as Valle Vidal, is probably the most famous ever made by Mexico. It later became known as the Maxwell Land Grant

after Lucien Bonaparte Maxwell, a Kansan who married Beaubien's daughter and later became the sole owner of the vast property.

Thirty years ago, the Pennzoil Company purchased nearly 500,000 acres of this land, which they used as a hunting park. Pennzoil maintained the area as such until 1982 when it donated a 100,000-acre parcel of it to the Federal Government, which was at the time the largest donation in Forest Service history. Interestingly, no drilling was ever done in the Valle Vidal when Pennzoil owned it. What an ironic travesty it would be for the government to now turn its back on this unique gift and allow the area to be blighted.

I do not want the Valle Vidal to be opened up for drilling. New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens realize that the Valle Vidal's minimal contribution to our energy needs now is not worth despoiling such an important ecological and watershed system. The consequences are just too great.

Moreover, many of my constituents, as confirmed by recent economic studies, recognize that the protection of special public lands like Valle Vidal is good for local economies; and, in fact, exploration of these places for a few hours of energy will hurt long-term economic growth and community sustainability.

Fundamentally, drilling in the Valle Vidal to create more energy is a false choice. We must consider alternative and more effective measures for solving our Nation's energy needs. For example, an increased use of renewable fuels and improved fuel efficiency standards would contribute greatly to solving many energy-related problems. The key is to make the best renewable and alternate energy systems competitive with today's nonrenewable sources of energy so they can be developed for use in the United States and even for sale abroad. We simply cannot hope to drill our way to energy independence. The fact that this special place is being targeted for oil and gas leasing radically demonstrates what is wrong with this administration's energy policies.

In this case, the Forest Service's commitment to a leasing environmental impact statement, before the agency has even prepared a forest plan amendment, demonstrates that legislative action is necessary to ensure that the Valle Vidal's nonmineral resources and values are given the attention and protection they deserve. Moreover, the Forest Service, even with irrefutable reason to do so, is without the legal authority to permanently protect this special place from mineral development.

New Mexico is home to a strong oil and gas industry which I openly support. I believe there are many places suitable for oil and gas drilling. Valle Vidal, however, is not one of them.

Mr. Speaker, to that end, today I am introducing the Valle Vidal Protection Act to permanently protect the Valle Vidal from mineral

extraction. In so doing, my legislation does not interfere with the Forest Service's Forest Plan Amendment process. That process is allowing the Forest Service to exercise its expertise and listen to the people and thereby establish a long-term management plan for the Valle Vidal commensurate with its importance as a critical component of our natural and cultural heritage. In my view, which I know is shared by many of my constituents, the Valle Vidal's ecological health and integrity should be restored and protected and enjoyed to the utmost by current and future generations.

Mr. Speaker, I urge my colleagues both in the New Mexico delegation as well as in the entire Congress to join me in passing this legislation and protecting the Valle Vidal permanently. This ecosystem is too valuable to the people of New Mexico and the nation, and the energy gains too miniscule to justify the potential damage to this pristine area. We must protect it.

#### VICENTE FOX, HURRICANE LOOTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, it seems tonight is the night for many of us to talk about the hurricane and the disastrous effects it has had on our country. I heard earlier a couple of my Democratic colleagues berating the majority leader about hurry up with money, hurry up and get it done.

We want to help our friends on the Gulf Coast, but it is also important that we do it sensibly and we pay some attention to the taxpayers here. Just yesterday, in Atlanta, one of the FEMA cards for \$2,000 was used to buy a handbag. I guess you need a handbag if you are in dire straits, but this one was a Louis Vuitton, which does not mean much to me, except it was an \$800 handbag. That is ludicrous. That is not what the American people expect for us to let happen.

□ 1830

We will be rebuilding the gulf coast States for years to come. We will do so with both public and private moneys, with cost estimates now running into the hundreds of billions of dollars. Estimates are that at least a half million Americans from the affected areas have permanently lost their jobs as their workplaces are totally destroyed.

Mr. Speaker, we do want to help these people. We must help these people. It makes perfect sense that we ought to employ as many of these folks as possible in the rebuilding effort of the gulf coast. It is for their personal good we do that, and it is for the good of the country.

Last week, the President approved a temporary waiver of Davis-Bacon labor rules for exactly that purpose, to allow many of these individuals to participate in federally funded reconstruction

projects as general labor helpers. They cannot do that under Davis-Bacon. We need to follow that up with providing whatever vocational training is necessary to allow displaced workers to gain the skills necessary to fully participate in these reconstruction efforts.

Let us do two things at once here.

We need a revival of the Civilian Conservation Corps from the 1930s for this unprecedented national emergency. We should offer every able-bodied displaced person an immediate training wage of \$10 an hour on top of whatever other Federal benefits they may be receiving, and full-time participation in this if they are receiving Federal benefits should be mandatory for all except the elderly or disabled. People who can work and yet will not help themselves should not ask other taxpayers to do it for them. There is good-paying work here for years for every able-bodied American who needs a job if we do the right thing. This has a great potential to build careers.

But there is already somebody else with an eye for these construction jobs, Mexican President Vicente Fox. "The reconstruction of that city," meaning New Orleans, "and of that region is going to require a lot of labor," Mr. Fox said of New Orleans, Mississippi, and Alabama. "And if there is anything Mexicans are good at, it is construction." That is a quote from the New York Times, September 5.

While we appreciate the disaster aid assistance Mexico is providing by sending a military convoy across our southern border, we cannot afford to pay them back with American jobs of our hurricane victims. Rebuilding our gulf coast with labor from Mexico would divert a large part of the estimated \$200 billion cost to rebuild, paid for by the American taxpayers, out of our economy and into "foreign remittances," the monies sent back to Mexico from the United States by illegal immigrants. These "remittances" have now surpassed oil revenues as the number one source of income for Mexico. This is drawn directly out of our economy.

We should not allow our national tragedy to become Mexico's gain.

The time for talk should be over. The time for pleas for the administration to simply enforce the law should be over. Every police and sheriff's department in this Nation should begin vigorously enforcing immigration law while in the course of their routine duties. For every illegal worker not employed to rebuild the gulf coast, there is a ready job for the hundreds of thousands of legal American residents who just lost their jobs in this tragedy.

The CLEAR Act that we just reintroduced has an excellent chance of passing this session; and, if it does, the Federal Government will be responsible for paying 100 percent of these local law enforcement costs for immigration law enforcement efforts.

Hardship has a way of bringing families together. If there is anything posi-

tive that can come from such an incomprehensible disaster as Hurricane Katrina, it could likely be in forcing us to come back together to help defend each other, instead of letting potential taxpayer-funded jobs for storm victims to be looted by illegal immigrant labor cheered on by Mexican President Vicente Fox.

#### STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through September 2, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of "section 302(b)" suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

	Fiscal year 2005	Fiscal years 2005–2009
Appropriate Level:		
Budget Authority .....	2,078,456	(1)
Outlays .....	2,056,006	(1)
Revenues .....	1,483,658	8,519,748
Current Level:		
Budget Authority .....	2,076,534	(1)
Outlays .....	2,056,107	(1)
Revenues .....	1,484,105	8,596,434
Current Level over (+) / under (–):		
Appropriate Level:		
Budget Authority .....	–1,922	(1)
Outlays .....	101	(1)

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued

(On-budget amounts, in millions of dollars)

	Fiscal year 2005	Fiscal years 2005–2009
Revenues .....	447	76,686

<sup>1</sup>Not applicable because annual appropriations acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of \$1,922,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 (if not already included in the current level estimate) would cause FY 2005 outlays to further exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2005 in excess of \$447,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of \$76,686,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Armed Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Education and the Workforce:				
Allocation .....	0	0	400	400
Current Level .....	0	0	0	0
Difference .....	0	0	–400	–400
Energy and Commerce:				
Allocation .....	0	0	1,525	1,525
Current Level .....	0	0	2,004	1,942
Difference .....	0	0	479	417
Financial Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Government Reform:				
Allocation .....	0	0	50	50
Current Level .....	0	0	0	0
Difference .....	0	0	–50	–50
House Administration:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Homeland Security:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
International Relations:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Judiciary:				
Allocation .....	0	0	6	6
Current Level .....	0	0	0	0
Difference .....	0	0	–6	–6
Resources:				
Allocation .....	6	6	45	45
Current Level .....	0	0	0	0
Difference .....	–6	–6	–45	–45
Science:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Small Business:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Transportation and Infrastructure:				
Allocation .....	3,488	0	12,238	0
Current Level .....	1,603	8	27,787	376
Difference .....	–1,885	8	15,549	376
Veterans' Affairs:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Ways and Means:				
Allocation .....	554	64	1,800	1,558
Current Level .....	81	45	417	415
Difference .....	–473	–19	–1,383	–1,143

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations <sup>1</sup>		Current level reflecting action completed as of September 2, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	n.a.	n.a.	18,689	18,844	n.a.	n.a.
Defense .....	n.a.	n.a.	352,127	398,270	n.a.	n.a.
Energy & Water Development .....	n.a.	n.a.	30,533	30,107	n.a.	n.a.
Foreign Operations .....	n.a.	n.a.	18,892	25,898	n.a.	n.a.
Homeland Security .....	n.a.	n.a.	38,469	31,925	n.a.	n.a.
Interior-Environment .....	n.a.	n.a.	28,469	26,994	n.a.	n.a.
Labor, HHS & Education .....	n.a.	n.a.	143,180	141,773	n.a.	n.a.
Legislative Branch .....	n.a.	n.a.	3,545	3,785	n.a.	n.a.
Military Quality of Life-Veterans Affairs .....	n.a.	n.a.	80,263	76,417	n.a.	n.a.
Science-State-Justice-Commerce .....	n.a.	n.a.	58,438	57,956	n.a.	n.a.
Transportation-Treasury-HUD-Judiciary-DC .....	n.a.	n.a.	67,873	117,669	n.a.	n.a.
<b>Total (Section 302(a) Allocation)<sup>1</sup></b> .....	<b>840,036</b>	<b>929,520</b>	<b>840,478</b>	<b>929,638</b>	<b>442</b>	<b>118</b>

<sup>1</sup>Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, Sept. 15, 2005.

Hon. JIM NUSSLE,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of

that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005, Part III (Public Law 109-35);

The Surface Transportation Extension Act of 2005, Part IV (Public Law 109-37);

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109-39);

The Surface Transportation Extension Act of 2005, Part V (Public Law 109-40);

The Interior Appropriations Act, 2006 (Public Law 109-54);

The Energy Policy Act of 2005 (Public Law 109-58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,484,024
Permanents and other spending legislation .....	1,191,357	1,102,621	n.a.
Appropriation legislation .....	1,298,963	1,369,221	n.a.
Offsetting receipts .....	-415,912	-415,912	n.a.
<b>Total, enacted in previous sessions:</b> .....	<b>2,074,408</b>	<b>2,055,930</b>	<b>1,484,024</b>
Enacted this session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109-14) .....	16	0	0
TANF Extension Act of 2005 (P.L. 109-19) .....	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109-20) .....	15	0	0
Junk Fax Prevention Act of 2005 (P.L. 109-21) .....	0	0	*
Surface Transportation Extension Act of 2005, Part III (P.L. 109-35) .....	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109-37) .....	5	0	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109-39) .....	0	0	*
Surface Transportation Extension Act of 2005, Part V (P.L. 109-40) .....	2	0	0
Energy Policy Act of 2005 (P.L. 109-58) .....	0	0	40
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59) .....	1,562	8	0
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005 (P.L. 109-13) <sup>2</sup> .....	-1,058	4	41
Interior Appropriations A 2006 (P.L. 109-54) .....	1,500	120	0
<b>Total, enacted this session:</b> .....	<b>2,126</b>	<b>177</b>	<b>81</b>
<b>Total Current Level <sup>2,3</sup></b> .....	<b>2,076,534</b>	<b>2,056,107</b>	<b>1,484,105</b>
<b>Total Budget Resolution</b> .....	<b>2,078,456</b>	<b>2,056,006</b>	<b>1,483,658</b>
<b>Current Level Over Budget Resolution</b> .....	<b>n.a.</b>	<b>101</b>	<b>447</b>
<b>Current Level Under Budget Resolution</b> .....	<b>1,922</b>	<b>n.a.</b>	<b>n.a.</b>
<b>Memorandum:</b>			
Revenues, 2005-2009:			
House Current Level .....	n.a.	n.a.	8,596,434
House Budget Resolution .....	n.a.	n.a.	8,519,748
Current Level Over Budget .....	n.a.	n.a.	76,686
Resolution Current Level Under Budget Resolution .....	n.a.	n.a.	n.a.

1. The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109-7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109-8) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes \$83,140 million in budget authority and \$33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13), and \$10,500 million in budget authority and \$1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes. n.a. = not applicable; P.L. = Public Law; \* = less than \$500,000.  
Source. Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH 2010

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year

2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on

the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through September 2, 2005.

The term "current level" refers to the amounts of spending and revenues estimated

for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section

302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority .....	2,144,384	(1)
Outlays .....	2,161,420	(1)
Revenues .....	1,589,892	9,080,006
Current Level:		
Budget Authority .....	1,354,534	(1)
Outlays .....	1,665,799	(1)
Revenues .....	1,607,200	9,176,258
Current Level over (+) / under (-):		
Appropriate Level:		
Budget Authority .....	-789,850	(1)
Outlays .....	-495,621	(1)

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued

(On-budget amounts, in millions of dollars)

	Fiscal year 2006	Fiscal years 2006–2010
Revenues .....	17,308	96,252

<sup>1</sup>Not applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of \$789,850,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of \$495,621,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of \$17,308,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of \$96,252,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Armed Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Education and the Workforce:				
Allocation .....	100	100	500	500
Current Level .....	0	0	0	0
Difference .....	-100	-100	-500	-500
Energy and Commerce:				
Allocation .....	100	100	2,000	2,000
Current Level .....	141	231	2,283	2,240
Difference .....	41	131	283	240
Financial Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Government Reform:				
Allocation .....	50	50	50	50
Current Level .....	0	0	0	0
Difference .....	-50	-50	-50	-50
House Administration:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Homeland Security:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
International Relations:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Judiciary:				
Allocation .....	6	6	6	6
Current Level .....	0	0	0	0
Difference .....	-6	-6	-6	-6
Resources:				
Allocation .....	8	8	50	50
Current Level .....	0	0	0	0
Difference .....	-8	-8	-50	-50
Science:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Small Business:				
Allocation .....	0	0	0	0

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued

(Fiscal years, in millions of dollars)

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Transportation and Infrastructure:				
Allocation .....	3,027	0	4,107	0
Current Level .....	3,444	36	36,374	520
Difference .....	417	36	32,267	520
Veterans' Affairs:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Ways and Means:				
Allocation .....	350	346	1,537	1,914
Current Level .....	175	192	406	440
Difference .....	-175	-154	-1,131	-1,474

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B)

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations as of June 22, 2005 (H.Rpt. 109–145)		Current level reflecting action completed as of September 2, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA OT	
					BA	OT
Agriculture, Rural Development, FDA .....	16,832	18,691	7	5,399	-16,825	-13,292
Defense .....	363,440	372,696	27	126,306	-363,413	-246,390
Energy & Water Development .....	29,746	30,273	36	11,092	-29,710	-19,181
Foreign Operations .....	20,270	25,080	0	17,091	-20,270	-7,989
Homeland Security .....	30,846	33,233	0	14,762	-30,846	-18,471
Interior-Environment .....	26,107	27,500	26,159	28,760	52	1,260
Labor, HHS & Education .....	142,514	143,802	19,166	98,279	-123,348	-45,523
Legislative Branch .....	3,719	3,804	3,804	3,809	85	5
Military Quality of Life-Veterans Affairs .....	85,158	81,634	-2,170	16,515	-87,328	-65,119
Science-State-Justice-Commerce .....	57,453	58,856	0	23,080	-57,453	-35,776
Transportation-Treasury-HUD-Judiciary-DC .....	66,935	120,837	4,223	70,800	-62,712	-50,037
Unassigned .....	0	430	0	0	0	-430
Total (Section 302(a) Allocation) .....	843,020	916,836	51,252	415,893	-791,768	-500,943

STATEMENT OF FY 2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005  
(In millions of dollars)

	Budget Authority
Appropriate Level .....	23,158
Current Level:	
Elk Hills .....	0
Employment and Training Administration .....	0
Education for the Disadvantaged .....	0
School Improvement .....	0
Children and Family Services (Head Start) .....	0
Special Education .....	0
Vocational and Adult Education .....	0
Payment to Postal Service .....	0
Section 8 Renewals .....	0
Shipbuilding and Conversion, Navy .....	0
Total .....	0
Current Level over (+) / under (-) Appropriate Level .....	-23,158

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, Sept. 15, 2005.  
Hon. JIM NUSSLE,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concucent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget

authority, outlays, or revenues for fiscal year 2006:

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);

The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53);

The Interior Appropriations Act, 2006 (Public Law 109–54);

The Legislative Branch Appropriations Act, 2006 (Public Law 109–55);

The Energy Policy Act of 2005 (Public Law 109–58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005  
(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,607,650
Permanents and other spending legislation .....	1,351,021	1,318,426	n.a.
Appropriation legislation .....	0	382,272	n.a.
Offsetting receipts .....	-479,872	-479,872	n.a.
Total, enacted in previous sessions: .....	871,149	1,220,826	1,607,650
Enacted this session:			
Authorizing Legislation:			
TANF Extension Act of 2005 (P.L. 109–19) .....	148	165	0
Junk Fax Prevention Act of 2005 (P.L. 109–21) .....	0	0	*
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39) .....	0	0	-1
Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109–53) .....	27	27	3
Energy Policy Act of 2005 (P.L. 109–58) .....	141	231	-588

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59)	3,444	36	9
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13) <sup>2</sup>	-39	-21	11
Interior Appropriations Act, 2006 (P.L. 109-54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109-55)	3,804	3,185	0
Total, enacted this session:	33,736	20,924	-450
Entitlements and mandatory:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	449,649	424,049	n.a.
Total Current Level <sup>3</sup>	1,354,534	1,665,799	1,607,200
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,308
Current Level Under Budget Resolution	789,850	495,621	n.a.
Memorandum:			
Revenues, 2006-2010:			
House Current Level	n.a.	n.a.	9,176,258
House Budget Resolution	n.a.	n.a.	9,080,006
Current Level Over Budget Resolution	n.a.	n.a.	96,252
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

1. The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109-7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109-8) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes \$30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13), and \$7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes. n.a. = not applicable; P.L. = Public Law; \* = less than \$500,000.

Source: Congressional Budget Office.

## IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, as the International Atomic Energy Agency meets on Monday to determine whether to refer Iran to the Security Council, the United States must clearly and firmly state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past 2 decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran's nuclear activities must be constantly monitored by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its treaty obligations.

Mr. Speaker, Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. Yet Iran calls upon the western countries to trust Iranian intentions. But how could we possibly do that, Mr. Speaker? Iran claims its nuclear program is intended only for peaceful purposes, but that claim is simply not credible.

Iran has the world's second largest proven natural gas reserves and huge crude oil reserves as well. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation. We must look at Iran's past and present actions as the most reliable indication of its true intent.

For years, since the early 1990s, Iran has persistently stated its need for nuclear weapon development. Its newly elected president pledged that he will continue to support Hezbollah's struggle against "the enemies of Islam." He has even vowed to reinforce Hezbollah; and he announced just today, Mr. Speaker, that his country is prepared to provide nuclear technology to other Islamic nations.

Mr. Speaker, the spiritual adviser to and supporter of the president, Ayatollah Misbah Yazdi, issued a call for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that "Suicide operations are the peak of the nation and the height of its bravery." And President Ahmadinejad himself has equated martyrdom with art and made known his ambition to spread his government's Islamic ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is simply unthinkable, and we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Iran attempts to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when we put it in the context of 18 years of unrelenting deception in the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility.

On Sunday, Iran's Foreign Minister Mottaki warned that referral to the UN Security Council would be a political no-win situation with "certain consequences affecting Iran's decisions." It is totally disingenuous for Iran to appeal to the West's conscience in this regard. Iran has set on a course that it has never wavered from, and it is seeking only to buy time. Mr. Speaker, the International Atomic Energy Agency should refer Iran to the Security Council.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. The people of Iran should know that they have at least this Nation's unequivocal support to take the stand that they have yearned for for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the International Atomic Energy Agency decides, United Nations policy should be clear. It should be articulated, and it should be open support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and to the world, as it classically has done. What is required, Mr. Speaker, as Assad Homayoun has articulated, is "legitimization through recognition" and the people of Iran will rightfully have the resolve and recourse to establish a government by the people and for the people. This is a day we all should look forward to with gratitude to the good people of Iran.

Mr. Speaker, as the International Atomic Energy Agency meets to determine in the next days whether to refer Iran to the Security Council, the United States must clearly—and firmly—state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past two decades. As a member of the Nuclear Non-Proliferation Treaty, all of Iran's nuclear activities are treaty-bound to be constantly safeguarded by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its obligations under the Nuclear Non-Proliferation Treaty.

Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. The Iranians have already built a pilot uranium enrichment facility and are currently completing a huge facility capable of producing enough highly enriched uranium to produce forty nuclear weapons per year.

Iran has secretly imported 18 tons of uranium yellowcake from China and constructed a conversion facility to produce uranium hexafluoride gas for enrichment.

Iran has also experimented with separating plutonium, and are presently building a heavy water reactor.

Further, it has now been reported that Iran has experimented with polonium. Polonium is a radioactive isotope with only one principal use: to trigger a nuclear explosion.

Further, Mr. Speaker, analysis by the U.S. Department of State released as of August 2005 states that "the United States believes

that Iran has manufactured and stockpiled blister, blood, and choking chemical agents, and weaponized some of these agents into artillery shells, mortars, rockets and aerial bombs in contravention to the Chemical Weapons Convention.

In July, Iran announced that it succeeded in developing solid fuel technology for ballistic missiles, which can be launched with almost no warning, far more quickly and reliably and with greater accuracy than those with liquid fuel.

In August, Iran resumed converting uranium to gaseous state. This is a step that precedes enrichment which then can produce nuclear material usable both as fuel in nuclear reactors and as material for an atomic bomb.

Mr. Speaker, Iran calls upon the Western countries to trust Iranian intentions, but how could we possibly do that?

Iran's claim is that its nuclear program is intended for peaceful purposes only—to produce electricity. That claim is simply not credible. Iran has the world's second largest proven reserves of natural gas, along with huge crude oil reserves. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation—we must look at Iran's past and present actions. They are the most reliable indications of its true intent.

For years—since the early 1990's, Iran has persistently maintained the need for nuclear weapon development. Ali Akbar Hashemi-Rafsanjani, who some hail as a “moderate”, has repeatedly stated that nuclear development was a “necessity.” Rafsanjani has also stated that “If a day comes when the world of Islam is duly equipped with the arms Israel has in possession, the strategy of colonialism would face a stalemate because application of an atomic bomb would not leave any thing in Israel but the same thing would just produce damages in the Muslim world.” What frightening words.

Iran is in violation of numerous treaties—and continues its patterns of deceit. Iran is trying to create a Euro dominated exchange of oil, and has a strategic economic relationship with China.

Iran suppresses its people with the harshest and most brutal kind of treatment. Just last Tuesday, September 6th, prosecutors' offices in provincial centers announced that “Women who violate Iran's strict Islamic dress code will be flogged immediately”—they will appear before an Islamic judge immediately after arrest to receive a sentence, which is usually 100 lashes in public.

Its newly elected President Mahmoud Ahmadinejad pledged that he will continue to support Hezbollah's struggle against the “enemies of Islam.” He has even more recently vowed to reinforce Hezbollah.

And, Mr. Speaker, the spiritual advisor to and supporter of President Ahmadinejad, Ayatollah Misbah Yazdi, has issued a call in an Iranian newspaper for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that “Suicide operations are the peak of the nation, and the height of its bravery.” And President Ahmadinejad himself has stated that “Is there art that is more beautiful, more divine, and more eternal than the art of martyrdom?” The Iranian President has said that his ambition was to spread his government's Islamist ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is unthinkable. And we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Mr. Speaker, Iran is attempting to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when put in the context of 18 years of unremitting deception, and the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility. We must not allow this defiant threat to the world to pass by unnoticed. The IAEA should refer Iran to the Security Council. The world cannot allow the current ruling regime of Iran to obtain and develop indigenous nuclear capability.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. It seems all too possible that Iran wishes to develop nuclear capability to stifle international support for an Iranian popular revolt as much, and possibly more so, than to counter an Israeli nuclear “threat”. The people of Iran should know that they have this nation's support—unequivocal support to take the stand that they have yearned for, for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the IAEA determines—Security Council or not, United States' policy should be clear, articulated support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and the world, as it classically has done.

What is required, Mr. Speaker, as Dr. Assad Homayoun the President of the Azadegan Foundation has articulated, is “legitimization through recognition” and the people of Iran will rightfully have the resolve and recourse to establish a government—by the people and for the people. That is a day we should all look forward to, with gratitude to the good people of Iran.

#### HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, yesterday, this body passed the gentleman from Michigan's (Mr. CONYERS) hate crime bill with very little notice. Some here were heard to say, oh, well, they will just take it out in conference. However, there is a decent chance that will not happen.

It is true that people who act out of hate can and do cause devastation and severe hurt. There is no question about that. Those who cause such harm deserve and should be punished severely. As a former judge, I have sentenced and severely punished people acting out of hate, including signing legal orders that the perpetrators should be put to death.

Ironically, the cases often cited as a basis for creating hate crime laws usually include the horrible dragging

death of the African American in Texas or the poor young man in Texas who was killed for being a homosexual. The main perpetrators in those cases got the death penalty that I believe they deserved. Those were cases in which no hate crime law would have made any difference whatsoever; yet they are constantly cited as a reason for it.

In the dragging death case, I personally might support punishment by allowing the victim's despondent family to choose the rope or chain and the terrain over which to drag the heartless defendant to inflict the death penalty. But the hate crime laws do not offer a more painful form of capital punishment. The one yesterday certainly does not, so it would have had absolutely no effect on the very cases its proponents often herald as poster examples.

What was done yesterday created a vague, ambiguous Federal offense which sends a message that random, senseless acts of violence are far more preferable in our society than such acts with a motive. Never mind that sociopaths or antisocial personalities who commit random, senseless acts of violence are unlikely to be rehabilitated. They will not get punished under this new law passed out of this House yesterday.

This new hate crimes bill that passed yesterday, this body said to the world that “sexual orientation” and not just “gender,” which should be respected, but “gender identity,” whatever that is, are in the same category as those unfortunate individuals who have suffered because of the color of their skin or their religious preference.

Have the Members ever stopped to think about the words “sexual orientation”? Regardless of what definition they may give those words, when we pass laws, the words used create an exceptional chance that at some point down the road someone is going to say the words mean exactly what they say. In the case of “sexual orientation,” someday someone can look at those words and say they have the very meaning they state: That includes those who are sexually oriented towards animals, those who are sexually oriented towards corpses, those who are sexually oriented towards children. That is abominable. But someday those words could be cited by some appellate court as having their very plain meaning, not just the meaning that is socially or culturally accepted at the time they were passed.

There is another aspect that is not discussed or debated but is coming some day through this new law. It is true that the law addresses crimes of violence or attempted crimes of violence. However, under Article 18 U.S. Code 2(a) of the Federal Criminal Code, “whoever aids, abets, counsels, commands, induces, or procures” a crime's commission is punishable just as if he is the principal.

Do the Members understand what that means? Let me ask my colleagues if a Christian, Jewish, or Muslim religious leader teaches and preaches that

homosexuality is wrong or is a sin and someone in the leader's flock commits a crime against a person who chooses to practice such acts, has the religious leader counseled or induced such an act through his or her teaching? Someday someone will say so, and ministers will be arrested for their preaching. They will be said to have incited such conduct through hateful teaching. As a matter of fact, some people already blame religious leaders for acts of violence in such cases, and I do not defend any minister who encourages such conduct. That should be punished.

□ 1845

They are wrong. But having harshly sentenced people who have committed crimes of hate, and also those who have committed crimes at random, cold-blooded, heartless thugs, I can tell my colleagues that the victims and their loved ones in all of these cases are all traumatized and distraught and deserving of sympathy and compassion.

So what is the message our great hate crime legislation sends? Apparently, through hate crime legislation, we are simply saying to the world, if you are really going to hurt me, please, please do not hate me. Instead, make it a random, cold-blooded, senseless act of violence. That is what we prefer in this country, according to this bill.

#### VICTIMS OF SEXUAL PREDATORS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Mr. Speaker, this past week, we have been reaping the destruction of a hurricane that brought the wind and rain and flooding of a natural and national disaster. But we have been for years reaping the greater destruction of a hurricane that continues to bring the wind, rain, and floods of the effects of child predators on America. We are talking about the murder of America's children by those child predators who live among us.

The children I am referring to tonight have all been kidnapped, murdered, some sexually assaulted, and some are still missing. It is because of them, Mr. Speaker, we passed the Child Safety Act yesterday.

Tonight, I will read just a few names of those children, the roll call of the dead: Cary Ann Medlin, 8, Tennessee; Nicole Parker, 8, California; Chris Byers, 8, Tennessee; Sherrice Iverson, 7, Nevada; Amanda Brown, 7, Florida; Christina Long, 13, Connecticut; Michelle Vick, 14, Washington; Maryann Measles, 13, Connecticut; Amber Hagerman, 9, Texas; Adam Walsh, 6, Florida; JonBenet Ramsey, 6, Colorado; Danielle Van Dam, 7, California; February the 1st, 2002.

This, Mr. Speaker, is a photograph of Danielle Van Dam. She was 7 when she was abducted and murdered in Cali-

fornia on February 1, 2002. She grew up in Sabre Springs, California. She loved coloring, playing with dolls, and writing and drawing in her journal. Danielle was a piano player and active in her Girl Scout troop. Her friends' parents described her as strong-headed, but very obedient. She loved sleepovers with her friends. Her father, Damon Van Dam, described Danielle as a caring, studious child who adored her family.

Danielle Van Dam was last seen alive when her father tucked her into bed on February 1, 2002. Danielle's parents reported her missing the next morning after her mother went to wake her up; she was not there.

Almost a month later, Danielle's decomposed, brutalized body was found. Searchers found her on February 27 in a lot full of trash 25 miles from San Diego, California. David Westerfield was the only neighbor that was not home the morning Danielle Van Dam was discovered missing. Investigators recovered child pornography from his home. His home was two doors from the Van Dam family. This child predator lived in the neighborhood. The motive for her abduction was sexual.

Authorities also said they found traces of Danielle's blood in Westerfield's motorhome and was on an article of his clothing. He was charged with murder, kidnapping, and possession of child pornography. Two days before Danielle disappeared, she had sold Girl Scout cookies to Westerfield. He was sentenced to death, and he is currently in San Quentin on death row, where he ought to be.

There are more, Mr. Speaker. Christopher Meyer, 10, Illinois; Mary Mount, 10, Connecticut; Jeannie Singleton, 8, Michigan; Kenny Dawson, 11, Virginia; Jackson Carr, 6, Texas; Troy Ward, 6, Utah; Brittany Lochlear, 5, North Carolina; Bradley Lions, 6, Washington; Brianna Jackson, 5 months, Alabama; Tommy Gibson, 2, Oregon; Rosy Tapia, 6, Utah; Rosie Gordon, 10, Virginia; Richard Stetson, 11, Maine; Jeralee Underwood, 11, Idaho; Samantha Runnion, 5, California, July 2002.

Samantha, like all of these others, Mr. Speaker, was a real person. She was a real child that lived in America. She was a beautiful and bright and joyful little girl. It is said she loved to read and write stories, paint, draw, play with guitar, sing, and dance. Most of all, she loved to play games with her family and friends. She liked Peter Pan and Hercules. She approached each day as a new adventure, eager to learn and play. She looked forward to growing up, being a teacher and a mommy.

Samantha was playing a board game with her 5-year-old friend when a man drove up. The two children were seated on a short wall about 150 feet from Samantha's home. The man got out of his car next to the girls and asked them to help him find his dog. Samantha and the man spoke to each other for a minute, but then he grabbed

her and drove off in his car. She was last seen, Mr. Speaker, screaming and kicking, saying, "Tell my grandma, tell my grandma." She was saying this to her 5-year-old friend. This 5-year-old ran to the house and was able to give a good description of the man and his car.

She was found a day later. Alejandro Avila kidnapped, sexually molested, and brutally murdered Samantha Runnion. He left her body on the side of a road 50 miles north of her home. A day later, he was arrested charged with kidnapping, sexual assault, and murder.

Just one year before he kidnapped Samantha, Avila was accused of molesting two other young girls. This past July he was convicted and sentenced to death for the murder, kidnapping, and sexual assault of this little girl, Samantha Runnion. He is awaiting execution and, hopefully, justice will not be delayed or prolonged.

There are others, Mr. Speaker. Shelby Barrackman, 3, Texas; Jamaree Coleman, 2 months, Georgia; Destiny Marie Flores, 4, Texas; Cecil Turner, 2, California; Jared Kitchen, 1, Michigan; Kendrick Broadway, 5, Missouri; Amy Sue Seitz, 2, California; LaTonya Wilson, 7, Georgia; Jennifer Noon, 5, Connecticut; John Short, 3, New York; Richard Short, 7, New York; Timothy Wiltsey, 5, New Jersey; Summer Rogers, 5, Oregon; Deborah Palmer, 8, Washington; Carlie Brucia, 11, Florida; February 1, 2004.

Mr. Speaker, Carlie, a little girl from Florida of the age of 11, disappeared February 1, 2004. Her grandmother described her as blond and bubbly, affectionate, a great hugger. When she was in New York, she loved to go to the movies with her dad, go shopping, and go out for ice cream. Her favorite ice cream was mint chocolate chip. Her grandmother said, I always had that in the house when she visited me. When she was at our house, she would shoot baskets in the driveway with her Aunt Ginny, play softball in the back yard with her Aunt Catelyn and the rest of the family.

She liked music. She was especially fond of Jennifer Lopez and knew all the words of all the songs that Jennifer Lopez sang. Carlie liked to help her dad at home, especially when the family was over for dinner. She pitched right in and helped with the serving and cleaning up. Here grandmother says, I can just picture her now, loading the dishwasher. She was a very good student, voted most popular, and a math whiz at McIntosh Middle School.

Carlie disappeared February 1, 2004, while walking home from a friend's slumber party in Sarasota, Florida. A surveillance camera behind a car wash taped Carlie's abduction. The sixth grader may have walked through the car wash's parking lot as a shortcut to her home in her neighborhood. Carlie's remains were found 5 days later, just a few miles from where the car wash was. The defendant: Joseph Smith. The

Sarasota Police Department questioned Joseph Smith after they received tips from anonymous sources. He had been in their custody the day after Carlie was abducted on an unrelated parole violation. A woman who said she lived with Smith was one of the tipsters who contacted the police.

Of course, he refused to admit any involvement with the disappearance until later when the investigators questioned him more and he told them where he had hidden her body. On February 6, 2004, it was announced that Carlie's body had been found. Mr. Speaker, she had been brutally murdered and thrown in a church parking lot just miles from her home.

Joseph Smith was a 37-year-old car mechanic, father of three who had been arrested at least 13 times in Florida since 1993. He had been previously charged with kidnapping and false imprisonment, and he was held in custody as the main suspect of the murder of this little girl, Carlie. On February 20, Smith was indicted on a first-degree murder charge and separate charges of kidnapping, capital sexual battery, and others were filed by Florida's attorney general's office. He had previous convictions: aggravated battery, carrying a knife, possession of heroin, possession of drugs without prescriptions, possession of cocaine, and attempts to obtain controlled substances by fraud.

Mr. Speaker, thanks to the gentlewoman from Florida (Ms. HARRIS), part of the Child Safety Act includes legislation that is a result of Carlie's murder. Joseph Smith, on the other hand, is scheduled to stand trial on the kidnapping and murder charges of Carlie Brucia on November 7. Prosecutors are seeking, and rightfully so, the death penalty. Until then, he will be in the county jail where he has been housed since his arrest.

Mr. Speaker, I can continue with more names of real kids in America: Adam Finch, 4, Florida; Harley Hall, 6 months, South Carolina; James Hargon, 4, Mississippi; Tahisha Clay, 6, California; Elizabeth Byrd, 8, Arizona; Maile Gilbert, 6, Hawaii; Tracy Neef, 7, Colorado; Isaiah Lewis, 3 months, Michigan; Tara Huffman, 5, Illinois; Patricia Miles, 6, Arkansas; Alonzo Daniels, 4, Utah; Brittany Hendrickson, 7, Ohio; Danny Davis, 4, Utah; Amy Yates, 8, Georgia; Dylan Groene, 9, Idaho; May 16, 2005.

Mr. Speaker, to my left is a photograph of Dylan at the age of 9 and his sister, Shasta, at the age of 8. This is his story: Dylan liked to be outdoors. He liked camping, fishing, and catching crawdads. He also liked to play games on his Play Station. He loved playing with his sister.

Dylan and his sister, Shasta, were declared missing on May 16, 2005 after police found the beaten and bound bodies of their mother, their older brother, and their mother's boyfriend. Authorities believe that Joseph Edward Duncan, III, a registered sex offender, abducted Shasta and Dylan from their

home and held them for 7 weeks at a primitive camp site in the vast forests of Montana. According to Shasta, Duncan repeatedly molested the children and eventually he killed Dylan. Shasta was discovered on July 2 at a local restaurant with Duncan. Two days later, human remains were discovered at that primitive, remote, western Montana camp site and on July 10, the remains were identified as Dylan Groene, this person, 9 years of age.

□ 1900

Investigators have not really told us exactly what they believe happened to Dylan or how long they believe the boy was alive after the children's mother, 13-year-old brother and her boyfriend were beaten to death, but they have given us some information.

Sheriff Rocky Watson has said that he believes the motives for the killings, of course, was to acquire these two children as sex objects. Watson always said authorities believe the family was chosen at random, but the attack was carefully planned.

The police have interviewed Shasta a couple of times, and the details are agonizing, and they are slow in being revealed, but she has provided certain information that is astonishing. Dylan, when he was 9, like the others that I have mentioned, was a real person. He wanted to live like all kids, but he never made it to his tenth birthday, because of this criminal, this individual by the name of Joseph Duncan, III.

Joseph Duncan, by the time he was 16, he had committed 13 sexual assaults. In 1980, Duncan was arrested for breaking into a neighbor's house, stealing guns and then accosting a 14-year-old and sexually assaulting him at gunpoint.

He was convicted of the rape and sentenced to a maximum of 20 years in the penitentiary. However, in lieu of prison, somebody sent Duncan to the Sex Offender Treatment Center at Western State Hospital. An evaluation at Western State Mental Hospital found that Duncan, who was then 17, met the definition of a sexual psychopath, so Western State Hospital had given up on Duncan.

Then, at 19, he announced that he wanted to leave treatment and serve the rest of his time in the penitentiary. So he received 14 more years for the rape and sexual assault and 3 more for parole violations. When he got out of the penitentiary, he moved to Fargo, North Dakota.

Then, after leaving the penitentiary, he decided to create a blog on the Internet. Many of the entries appear to focus on his own sexual abuse crimes, and he seemed to be proud of it. It also shows us his rage over how sex offenders are treated in our community.

Brenda Grone and her boyfriend, Mark McKenzie, and the 13-year-old Slade Grone were killed in their home sometime on May 15 by Joseph Edward Duncan, III. They were beaten to death with a hammer.

Duncan, after kidnapping Shasta, he told her and explained to her what he did to these three before he murdered them. He said he watched the house and specifically had watched her for 2 or 3 days. At night, he would sneak up to the house and peer into the windows. He said it was real simple to kidnap them and kill the other three.

He said he used a night vision goggle to learn about the family's layout before breaking into the home. And he bragged to Shasta about killing her family with a hammer, and he even taunted her with the hammer that he had used to kill her family.

Duncan was charged with first-degree murder, first-degree kidnapping in the bludgeoning deaths of this family. He is awaiting trial.

Dylan, four-foot, 60 pounds, blond crew-cut, blue eyes and 9 years of age when he was murdered.

I continue, Mr. Speaker.

Carol Dougherty, 9, Pennsylvania; Sarah Pryor, 9, Massachusetts; Jennifer Short, 9, Virginia; Anthony Martinez, 10, California; Michelle Norris, 7, Rhode Island; Roxann Reyes, 4, Texas; Brandon Dyson, Jr., 1, California; Benjamin Brenneman, 12, California; Mary Lou Olsen, 10, from California; Joshua Walden, 10, Tennessee; Constance Carrillo, 8, Ohio; Louis Peytonn, Jr., 5, Arkansas; Janet Perkins, 9, Missouri; Charlie Keever, 13, California; Megan Kanka, 7, New Jersey, July 29, 1994.

Mr. Speaker, this is Megan Kanka, 7, from New Jersey. In July of 1994, she disappeared. She grew up in the quiet suburban Hamilton township of New Jersey. She was a chatty little girl who loved chocolate chip ice cream, cookies and milk.

In July of 1994, at the age of 7, Megan, an enthusiastic animal lover, was lured into a neighbor's home, 100 feet from her own door. Once again, another child predator living in our neighborhoods. She went over to his house with the hopes of seeing his new puppy he claimed he had. That neighbor, unknown to Megan's parents, was a convicted sex offender.

The chatty little girl rode her bike over to Jessie Timmendequas' home. He told her that he had a puppy, but it was too young to go outside, so she needed to go inside to see it. Of course, there was no puppy. It was a lie.

The defendant, Timmendequas, was a previously convicted sex offender, and he sexually assaulted Megan. Then, like the others, he murdered her.

When he got her into the house, he tried to kiss her, but she attempted to escape. So he strangled Megan with a belt. He says he slammed her head into the dresser and strangled her. He sexually assaulted her. He tied two bags over her head. Mr. Speaker, he tied two bags over her head. He put her body into a toy box, and he drove his pickup truck to a nearby park with her in the toy box. He sexually assaulted her again and dumped her body into a patch of high weeds.

In the hours following Megan's disappearance, a massive search effort

took place all over the quiet Hamilton township of New Jersey. The red and blue lights of police cars filled the once quiet suburban neighborhoods.

Police were instantly drawn to Timmendequas' home after learning that he and his roommates were both convicted sex offenders. They immediately questioned him, and only 1 day later, he confessed and led the police to Megan's body.

His history? Well, he had a criminal history of sexual assault of children. In 1979, Timmendequas pled guilty to the attempted and aggravated sexual assault of a 5-year-old girl in New Jersey. He was given a suspended sentence. Mr. Speaker, that means, in simple terms, he did not go to jail.

But somebody recommended that he get counseling for his sexual assaults. He did spend 9 months in the Middlesex Adult Correction Center.

Then, in 1981, he pled guilty in regard to the sexual assault of a 7-year-old girl. He was imprisoned for 6 years.

In May of 1997, he was sentenced to death for the murder of Nichole Kanka. He remains on death row in New Jersey State Prison in Trenton. Hopefully, justice will be done, and he will see his maker soon.

In honor of Megan's memory, a section of the Child Safety Act creates the Megan Nichole Kanka and Alexandra Nichole Zapp Community Notification Program. This program requires appropriate officials to notify the communities within 5 days of a change of a registered sex offender's information.

Megan's parents had no idea that a sex offender was living across the street from them in their quiet suburban neighborhood. Hopefully, the Child Safety Act will rectify this in the future, and parents will know who lives among them.

Kelly Albright was 12 when she disappeared in Kansas; James Francis Connelly, 15, from Illinois; Sandy Hoyt, 14, from Connecticut; Andrea Harriet Sax, 16, from Illinois; Tamika Turks, 7, from Indiana; James David Richards, 15, California; Stacey Sue Simpson, 4, Georgia; Tyrna Middleton, 14, Ohio; Clifford Grant Sheppard, III, 11, Alabama; Reginald Brown, 16, Illinois; Carla Jo Otto, 14, from Michigan; Lori Ann Hill, 14, Ohio; Carmen Joy Otto, 10, from Michigan; Jacob Wetterling, 11, from Minnesota, October 27, 1989.

Mr. Speaker, Jacob Wetterling, this is a photograph of him. He lived to the age of 11, and then he was kidnapped and hasn't been seen since. He was born on February 17, 1978. He grew up in St. Joseph, Minnesota, with his parents, Patty and Jerry Wetterling, and his three brothers and sisters.

On the night of October 27, 1989, Jacob and his brother, Trevor, and a friend rode their bikes to a local convenience store to pick up a movie and a snack. On the way home, a man wearing a mask carrying a gun stopped the boys on a dark stretch of road less than a mile from Jacob's home. The gunman, wielding a pistol, told the boys to

throw their bikes into a nearby ditch and lay face down on the ground. He then asked each of the boys their age. After the boys responded, he instructed Jacob's brother and friend to run into the woods and not look back or he would shoot them both.

As they ran away, they glanced back to see the gunman grab Jacob's arm. When they reached the wooded area and turned around again, the gunman and Jacob had disappeared into the night.

Local police were called to the scene of the abduction minutes later, and a search ensued that involved hundreds of volunteers, local law enforcement, the FBI and others. To date, law enforcement and Jacob's family still do not know what happened to Jacob or his abductor or where they are now.

Sixteen years later, and the Wetterlings refuse to change their phone number or move from their four-bedroom home in hopes that Jacob would come back some day. He would be 27 this year.

Mr. Speaker, in 1994, the Jacob Wetterling Crimes Against Children Sexually Violent Offender Registration Act was passed as a part of the Federal Violent Crime Control and Law Enforcement Act of 1994 by Congress. This requires States to implement a sex offender and crimes against children registry.

Part of the Children's Safety Act that was passed yesterday amends the Jacob Wetterling Act that was passed in response to his kidnapping. It improves the sex offender registration and notification program on many levels. It seeks to ensure that sex offenders register and keep current where they reside, work and where they go to school. It creates a national sex offender database and requires that it be on-line and easily accessible to everyone in this country.

The law also expands community notification requirements and creates harsher punishments for sex offenders.

I would like to continue, Mr. Speaker.

Jonathan Sellars, 9, California; Charlie Stevens, 12, Georgia; Christina Benjamin, 13, Texas; Brittany Billette, 1, Michigan; James Bryan King, 14, Texas; John Pius, 13, New York; Lacy Chandler, 16, California; Amy Rachelle Schulz, 10, from California; Lazaro Figueroa, 3, Florida; Mickey David Niles, 7, Texas; Christe Rogers, 14, Florida; Naja Smallwood, 5, Pennsylvania; Sarah Cherry, 12, Maine; Stephen Wicks, 10, Colorado; and Jetsetta Gage, 10, Iowa, March 25, 2005.

Mr. Speaker, this is Jetsetta Gage, 10. She was kidnapped and sexually assaulted and murdered this year, in 2005, in Iowa, Cedar Rapids. According to news reports, Jetsetta Gage's goal each day was to give 20 compliments to people. She wanted to give them to her teacher. She gave them to a cab driver who took her to school. She gave them to her grandmother and anybody that came into her view.

Her mother said that she was friendly, and she liked to say hi to everyone. She would come up to you and say, you look nice today. She would tell everyone that, even strangers. The adults who knew Jetsetta described her as bubbly, a happy girl. She would wear colorful but mismatched outfits. She loved the outdoors, and she loved her mother and her grandmother.

Trina Gage was attending classes at Hamilton College the night her daughter was taken. Roger Bentley, a family friend, went to the Gage's home on the evening of March 25 of this year supposedly to fix the car. While there, he kidnapped Jetsetta.

□ 1915

He took her to an abandoned mobile home in rural Johnson County about 45 miles south of Jetsetta's Cedar Rapids home in Iowa. In the darkness of the night he sexually abused her. He bound her feet. He suffocated her by putting a plastic bag over her head. Twelve hours after killing and kidnapping Jetsetta, authorities came to the mobile home, and Roger answered the door with blood stains still on his cloth. Officials searched the home and they found the little girl's body.

Jetsetta's mother, Trena Gage, had met Roger Bentley through his brother James Bentley whom she had dated several years ago. Court documents suggest that Jetsetta was sexually abused over a 2-year period by this James Bentley. James Bentley, well, he had already been arrested and charged with sexually assaulting Jetsetta in two counties. He is scheduled for trial on October 3 in Linn County. The second trial on the same charges follows in November 3 in Benton County.

His brother Roger was charged with first degree murder and first degree kidnapping in the death of Jetsetta. His trial is scheduled for November 28 of this year. Hopefully, justice will be served in both of these cases.

Shaun Jenkins, 5, from Pennsylvania. Kevin Wooden, 6, from Louisiana. Anthony Carter, 9, from Georgia. Durga Owens, 8, Alaska. Laura Arroyo, 9, California. Donald Todd, 13, from California. Angela Barnes, Washington, D.C., 14. Mary Angela Comacho, 8, Texas. Michael Lyons, 8, California. Mary Jennifer Love, 6, Ohio. Diana Hernandez, 7, Nevada. Liana Sandoval, 1, Arizona. Angie Housman, 9, Missouri. Samuel Rice, 9, Florida. Polly Klass, 12, California, October 1993.

Mr. Speaker, this is Polly Klass, 12. She, like the others, kidnapped. She was born in January of 1981 in Fairfax, California. When she grew up she liked Mel Gibson as her favorite actor. She also liked a football player, a guy by the name of Joe Montana. She liked to read Archie comics and Judy Blume books. She liked popcorn and hot fudge sundaes. She had two cats, Spooky and Milo. She enjoyed performing in school plays and had dreams of becoming an actress. She loved music and she was

active in the school band, but on the night of October 1, 1993, Polly Klass was hosting her first sleepover party with two of her friends.

When Polly went to retrieve pillows from another room, she was confronted by a large hulking man armed with a knife. The man, Richard Allen Davis, threatened to kill all the girls if they did not do as he told them to. Davis made his way into the bedroom of the 12-year-old Polly Klass and he tied her up with her two sleepover companions and then he abducted her.

When Polly's body was found later, she had been brutally sexually assaulted and strangled to death. Davis is a career criminal whose life has a twisted tangle of much violence and criminal activity. A few days after Polly's abduction, Davis confessed to the murder and led the police to her body. After a trial, he was found guilty of first degree murder. He was sentenced to death, as he should have been.

Perhaps the most telling part of Polly's story is this: according to Polly's father, she had always had a fear of the dark. She had trouble sleeping unless there was a night light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

It is unfortunate, Mr. Speaker, in our culture too many kids go to sleep afraid of the boogey man, like Richard Allen Davis. It was something that she had discussed often with her parents, and her father Mark recalls with bitter irony how he had assured his daughter that everything would be all right and that he would be there to protect her.

Mr. Speaker, there are more children, there are many more in this country. Tonight I have just listed a few, a few over 100.

Felicia Elliot was 8 in Arkansas. Mary Caussin, 6, in Michigan. Jason Verdow, 9, in Florida. Marcia Trimble, 9, in Tennessee. Christi Meeks, 5, in Texas. Michael Cameron Rainey, 14, in Nevada. Shelby Barrackman, 3, in Texas. Adam Benjamin Clark, 6, Arizona. Jenny Waltz, 16, California. Molly Ann Bish, 16, Massachusetts. Jessica Lunsford, 9, Florida. February 23, 2005, this year, just a few months ago.

Mr. Speaker, we have all seen this photograph of Jessica Lunsford with her pink hat. She was 9 years of age this year. She had a lot of spunk. She was always smiling.

When Jessica walked into the room, she was always having a good time. She and her grandmother collected dolls together. She loved people. She loved purple, and she loved pink.

Jessica liked to do cheerleading and gymnastics. She and a friend were going to have a band, but they did not have any instruments, only a microphone, so they just decided to sing and to dance. She liked doing karaoke. She liked doing it with her friends. She also liked to ride bikes. And even though Jessie had several two-wheeled bikes,

the one she liked riding best was an old three-wheeler with no brakes that her grandpa Archie had given her.

She loved jewelry. She liked shoes. She liked putting on clothes and she liked putting clothes on her dog, Corky, and she loved make-up. She liked music. She liked to sing and dance. And she always said, I love you.

Her father, Mark Lunsford, will always remember his last hug from her. Mr. Speaker, I have had the opportunity to meet Mark Lunsford and to talk to him at length. He is a good person. He loved his daughter, and he says he will never get over the fact that he lost his daughter the way that he did.

John Couey, the criminal, well, he was a convicted sex offender and he was living in a mobile home within eyesight of the Lunsford home. On February 24 of 2005, he snuck into the Lunsford home and he stole Jessica from her bed. He took her to his place and Couey said he watched for the police and noticed that they went to the Lunsford home.

He then, Mr. Speaker, did the following: he chose to sexually assault her. When he was not sexually assaulting her, he stuffed her in a closet in his habitation. When he was through having his way with her, Mr. Speaker, he says he did the following: he decided it was time to get rid of this little girl, so he took stereo wire and tied her feet and her hands. He then wrapped her inside two plastic garbage bags. He dug a hole in his yard and as he said, he threw her in a hole. He buried her alive.

When she was found days later, Mr. Speaker, she had poked her fingers through the plastic bags seeking air.

John Couey, well, he was a registered and convicted sex offender with a long criminal history. It included 24 arrests and went back more than 30 years. A section of the Children's Safety Act that we passed yesterday establishes the Jessica Lunsford Address Verification Program. Although Couey was a registered sex offender, the address that he lived in and where he had kidnapped and taken Jessica was not the address that he had used when he was a registered sex offender. He had changed address and had not told anybody.

The Jessica Lunsford Verification Program under the Child Safety Act authorizes verification and requires mailing verification of child molesters anywhere in the country every 30 days.

Since Jessica's death, Mark Lunsford has made it his mission to protect other children and families. Mark Lunsford started the Jessica Marie Lunsford Foundation to help children in crisis and to inform people about the dangers of child predators. We are thankful that Mark Lunsford, this father, this good guy from Florida, came here to Congress and went door to door talking to people about the murder, abduction, and assault of his daughter and changed the minds of many so this bill, the Child Safety Act, would pass.

Mr. Speaker, the House did pass the Child Safety Act yesterday, thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER). Many, many people were involved in the preparation and drafting of this legislation, people on both sides of the aisle, Republicans and Democrats. Because, Mr. Speaker, child safety is not a partisan issue. It is a people issue. It is an American issue. And it is important that we continue to focus on those people that do our children harm.

We know that sex offenders live among us. The risk of attack to our children grows every day. There are approximately 550,000 convicted sex offenders in the United States. We know that 100,000 of these people who have been convicted are lost in the system. We do not know where they are, where they are hiding in the United States, because they failed to have registered in communities required under current law. We do not know where they work, where they live, or what they are up to.

We know that statistics show that in this country one out of every five girls and one out of every 10 boys are sexually exploited before they reach adulthood. We also know that only 35 percent of these incidents are ever reported.

According to the Department of Justice, one out of every five children receive unwanted sexual solicitations online from their computers. And we know that 67 percent of all the victims of sexual assault are kids. So the Child Safety Act of 2005 is a comprehensive legislation to address those people who commit crimes and to try to stop the epidemic of violence and sexual abuse against our children.

We know that these crimes are not confined to any one neighborhood, any area of the country, but these types of crimes are everywhere. Federal action is needed to solve the increasing dangerousness and widespread problems of violence against children. The legislation that we passed yesterday, which I was proud to be a co-sponsor of, reforms our sex offender registration and notification laws.

It is aimed at preventing crimes against children through a coordinated law enforcement approach that includes broadening the definition of these crimes. It increases reporting requirements for new offenders. It increases the penalties for those convicted of sexual assault. It requires States to share information about sex offenders in their States. Because, Mr. Speaker, what occurs is someone will leave the penitentiary in some State. They will register under that State law, but then they will cross States lines, and they will disappear in that second State.

That is what happened to many of these children that I mentioned tonight: registered sex offenders crossed State lines. Now we will be able to keep up with them when they cross State lines because failure to register when they move to that new State is a

Federal offense. It is a Federal offense where they can go to a Federal penitentiary for up to 20 years for failure to notify law enforcement, the community, the media about their new residence.

This Child Safety Act will also enhance punishments for sex offenders who reoffend. It will require sex offenders to register and notify people in the newer neighborhoods where they move. It will require verification monthly. It will require or allow citizens Internet access to the child predators that live among them. It will create Web sites to search for sex offenders in communities, and it will require and expand sex offenses covered by registration and notification to include the military and crimes that occurred against American kids overseas.

These are some of the many, many requirements of this new law, Mr. Speaker. It will expand, in addition, law enforcement's use of DNA to solve criminal activity of these predators. This comprehensive legislation hopefully, Mr. Speaker, will send a message to those who live among us that wish to commit crimes against our children.

Portions of this law, Mr. Speaker, are named after children. I hope we get to the point in this country that we quit naming laws after murdered children. Hopefully, that day will come.

Mr. Speaker, I have four kids, three girls and a boy. I have three grandkids, one born last week. And as a parent I am very, very protective of my children. All parents are. Children are, as the Good Book says, a blessing to parents. And the worst thing that any parent can comprehend and the thing that we dread the most is the loss of a child at any age.

□ 1930

To lose a child under any circumstances is tragedy. To have a child kidnapped, assaulted and murdered in their youth is something that parents cannot comprehend, but it happens in America.

Mr. Speaker, in this Capitol, we have throughout these great hallways paintings and photographs of important people, people in our history that have done things for our country. They are of all persuasions, all parties, all races and both sexes. But I say, Mr. Speaker, that if we had on these same walls the photographs of the murdered children in our country, that this Capitol, this enormous building does not have the room for all of their photographs. We should remember who they are, their names and how they lived.

We have done a lot in this country, organizations such as the National Children's Alliance here in Washington, D.C., the umbrella organization that takes care of sexually exploited children throughout the offense and after the offense is over with and helps them in court.

One of those organizations is Children's Assessment center in Houston, Texas, one of the best advocate centers

for children anywhere in the country. There are many of those, and it is unfortunate we have to have those to protect our children and take care of their needs after they are exploited.

Mr. Speaker, these children have something in common. The last person on earth that these kids saw was not their mother, not their father, not their friends, not their grandparents. The last person they saw on earth was the killer, the person who stole their life in their youth. We hope, Mr. Speaker, that when we pass from this life to the next we are surrounded by the people who care about us, the most important people in our life, but not so with these children. They were surrounded by the person, the predator, that preyed on them and stole their life and their existence.

Mr. Speaker, we have been talking a lot about resources the last few weeks, things that have happened in the country, the hurricane, but we need to remember one important factor. The greatest resource in this country is our children. They are the greatest natural resource that we have, and we should be as concerned about what happens to them and what predators do to them as we are about other resources and the disappearance of them.

The darkest of history will report the blackness in the souls of those who have committed these crimes against our children. Those barbarians that kidnap, sexually assault and pillage and murder our children will be held personally accountable for their evil choices.

It has been said in the scriptures that for whoever causes harm to a little child, it would have been better for him with a heavy millstone hung around his neck he would have been cast into the sea. Well, we do not throw child molesters in the sea. We claim to be too civilized for that, but we will throw them into the sea of accountability, the sea of consequences, the sea of humiliation and the sea of punishment. They have sown the wind of harm, shame, injury and murder. They will reap the whirlwind of justice and intolerance.

Mr. Speaker, I was a prosecutor in Houston, Texas, for 8 years. I still have in my office this photograph. This was Kevin Wanstrath. He was murdered in May of 1980. He was 14 months old. The people who took his life, took the life of his mother and his father and his grandmother saw justice. Two of them received the death penalty, and they have been executed. The other two received prison terms in the Texas penitentiary.

But, Mr. Speaker, Kevin was born the same year my son was born, Curt. Curt is a big ole strapping boy. I still call him my boy, and at times I look at my son Curt and wonder what could have happened and how Kevin could have turned out. I keep this photograph in my office as I have since that murder to remember that what we are about in this culture is to protect our greatest resource, children.

After serving 8 years in the district attorney's office, I got to be a judge in Houston for 22 years and saw 25,000 felonies during that time. Many of those were child predators, and I learned, as we all now know, a couple of things about child predators.

We know that most of them when they get out of the penitentiaries in our country they do it again. That is just a historical fact. They repeat their ways. They repeat their criminal activity against our kids.

Mr. Speaker, we do not need to give them therapy as some say. They need to be kept away from our kids. Yet that is why we build the penitentiaries, to house those individuals who seek and destroy our children.

We also know, Mr. Speaker, that most of them get out. You see, they are model prisoners when they are in the penitentiaries, so they usually come up for parole. They get parole rather early, but at least they all eventually return to society, but they want to remain anonymous in our communities.

Mr. Speaker, child molesters are not what we sometimes think of as an individual walking around with a trench coat. They do not look like that at all. They look like anybody else in our communities, and it is time that we in this country quit excusing the conduct of child predators. For whatever reason they choose to commit a crime, they must be held accountable for that.

Too often in this country we have become the land of excusable conduct. We excuse somebody's conduct because something bad happened to them when they were a kid. That is certainly no excuse for committing a crime against a child today. We can no longer live in the land of excusable conduct. We must hold people accountable for what they do.

Mr. Speaker, when a cow is born in the United States on some ranch in Texas or Montana or Kansas, we track that calf until that calf ends up as a steak on somebody's supper table. We do that for public safety. We want to make sure there is nothing wrong with that beef.

Mr. Speaker, now we are going to track child molesters when they leave the penitentiary indefinitely. We should raise at least the safety of our children to the same level as the safety of the beef that we eat and protect them from those child molesters.

Mr. Speaker, as stated by a couple of the kids, their fear each night is to be abducted by some bogeyman, and so we lock ourselves up in our homes. We put the bars on the windows. We have the alarms in our rooms to protect us from the bogeyman, those child predators.

Mr. Speaker, it is time that we quit being imprisoned in our own homes and our children imprisoned in their homes, and it is time that we make child molesters our prisoners rather than us continuing to be their prisoners.

So to the child molesters, we will state this wisdom, we will send this

word, we will spread this warning. Leave our children alone or face a lifetime of severe, unpleasant and unremitting consequences.

Mr. Speaker, we are not judged by the way we treat the rich, the famous, the powerful, the important. We are judged by the way we treat the innocent, the weak, the children of our community; and it is time that we focus on what is important for them rather than maybe on other issues in our culture.

So it is our resolve, Mr. Speaker, as a Nation, to those child predators, we say, you cannot run, you cannot hide, you cannot avoid justice. Because as injustice hopefully will soon fade away, justice will rule this day. That is just the way it is.

### 30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House of Representatives; and, also, we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also the gentleman from Maryland (Mr. HOYER), the whip; and the gentleman from New Jersey (Mr. MENENDEZ), the caucus chairman; and the gentleman from South Carolina (Mr. CLYBURN) who is our vice chair, and all of the hard-working Members of this Congress.

I think it is important for us to remember, and I think in a few short minutes the President will address the country from New Orleans and the French Quarter, about the Federal commitment to the hurricane-devastated areas. He will be in Louisiana, but I would assume he will also be addressing Mississippi, Alabama and some of the other surrounding areas that were affected by Katrina.

I will tell you, Mr. Speaker, that I think it is important that we look at the contrast of what exactly the Federal commitment will be. There has been a lot of words, a lot of Federal jet fuel burned of the President and the Vice President going down to the affected area. There has been a lack of organized congressional visits for us to even understand what those people are going through in the South.

We are going to be talking a little bit about, the 30 Something Working Group, the Federal commitment and the response not only to rescue and recovery but also the response to a national tragedy.

There have been some good statements and some very disturbing statements, and I think the Members need to realize what has been said, what has been done and what has not been done.

I think it is important, if we are going to follow through on some of

these statements that have been made here on this floor, if we are going to follow through on what the President would say tonight in another 20 minutes to the country, are we going to be here for the long haul or are we going to give the people affected in the South what we call here in Washington, D.C., the Potomac two-step?

Are we going to try to ride this media cycle out?

Are we going to allow big-time contractors to go down, make a bucket of money on the back of tragedy and cut the wages for those very same people that were victims? Are we going to allow that to happen?

Are we going to allow this House, in a vote that we took today, that I voted against, not that I am not in solidarity of the reason why we wanted to put together a select committee of the oversight of what happened in Hurricane Katrina, but the fact that the people of the South are not getting what the 9/11 families got and the American people got after 9/11.

So there is a reason I think why we are heading off, and there are strange votes that are taking place. We say we do not want to politicize the process, but we step out on politics. We say we want to get to the truth, either it be city or parish or State or Federal Government, but, better yet, we take congressional action that does not even carry the language to allow us to get to the truth, does not have the bipartisan not only flavor but bipartisan language.

If we are going to do something in the Congress to find out where government failed, where nonprofit failed and not have a 50-50 relationship with the majority side to be able to get to the truth, we are going to see partisan votes on that select committee.

I stand with the Democratic leader and I know many of the 30 Something Working Group stand with the Democratic leader as it makes to not even making an announcement now, even if we are going to appoint Members to that select committee because I will tell you 710 lives that have been lost. Better yet, we are going to appoint a committee just like it is regular business here in the Congress. Also, the largest supplemental, I must add, in the history of the Congress and this country, outside of a war supplemental. Some are saying it will go to \$200 billion.

□ 1945

Well, if it goes to \$200 billion, what will be the Federal commitment in the end? A, we know the people that will be working in the rebuilding process that are victims of this hurricane will not receive the prevailing wage because Davis-Bacon has been waived. They will not receive what other Federal contractors will receive using Federal money. We know that from the beginning. We are going to shortchange them from the beginning. We know they need money to rebuild, yet we are going to do that.

The whole issue, when it comes right down to it, I say to my colleague from Ohio, is that the Federal commitment is about tomorrow, a national day of prayer over at the cathedral, and that is fine, we can pray for them. But we are the Congress. We are supposed to act on behalf of those individuals that cannot stand for themselves. So I want to come out tonight and say that individuals that are in the affected area, I believe the country needs to rally around them and demand a 9/11-like commission.

We are going to let politicians stand in judgment of politicians? We are going to let a majority party stand in judgment of the majority in the executive branch? The same party that says, oh, we will get to the bottom of this, even if it is embarrassing? Well, people have lost their lives, yet we are going to sit around here as though it is another day at the office? I think not.

There are individuals right now that have mold in their homes, and individuals right now that still do not have even the simple opportunity to bury their dead. There are children right now that are lost in the hundreds, and yet it is just another day at the office? Excuse me, but I have a problem with that.

Over in the other body across the hall yesterday there was a vote that went down on a partisan party line. One individual from the State, one of the affected States, did not even vote on the amendment, and that amendment called for, down to the last sentence, a 9/11-like commission.

It is very, very unfortunate that partisan politics has found its way into this national tragedy. The only reason why this Congress is getting away with it is the fact that these individuals who have lost their lives are poor. The individuals' homes that are still under water are poor. That is the reason why. So who are we, as a country, to go somewhere else and start talking about what other people should be doing when we are not doing it?

Now, I am not saying the American people are not doing it. I am saying the leadership here in this Congress is not doing it. And if they can sleep well by doing that, so be it. But I will say this, that I believe the American spirit will rise on behalf of these individuals who are living in shelters right now and who do not even know what is happening to them.

I think the reason why people are saying, well, we are moving expeditiously and we are trying to do this, that and the other, and we want to make sure people get accountability, is that these are poor individuals, who, by the way, work every day but who may not have the education that the brokers and the stock folks and all of those folks had in 9/11. Now, I supported that 9/11 Commission, and we are better because of it. We are better because there was a 9/11 Commission.

There were families that came to this Congress. It was not the first idea of

the Congress or the administration to have a 9/11 Commission, but thank God that those family members on behalf of their families who had lost their lives took whatever money they had, came to this Congress and made it happen. The only difference between the 9/11 families and these families down south is the fact they had a little more money and had a little more influence. And God bless them for having it.

But I will say right now, Mr. Speaker and my colleagues, that we have to stand for these individuals that cannot stand for themselves. That is why we are here. We are not here to represent the haves and have more; we are here to represent the individuals that cannot afford to come here. We are here to represent those who got up early one Tuesday morning voting for representation so that they would be represented in this House, so that Democrats and Republicans alike would be represented in this House and Independents would be represented and those that are too young to vote would be represented.

We come here and stand as though it is business as usual while the body count still goes up, the death toll and the misery. So I do not know how long this media cycle is going to go on. I just do not know. I do not know how long the press will stick with this issue to keep it in the forefront, but we cannot leave these individuals behind. We have to be resilient; and we have to make sure, even if it costs criticism from individuals who may say, well, what do you want us to do? We want you to do the right thing. We want you to pass a resolution that has some teeth in it.

Mr. Speaker, this resolution 437 is a select committee that we cannot even get people to come and talk to us. We have to ask them to come talk to us. So I say to my colleague that this is going to be one of those things, like the Committee on Ways and Means, with partisan votes up and down; like the Committee on Armed Services, partisan votes up and down; like the Committee on Appropriations, partisan votes along party lines. We cannot allow that to happen.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I think my colleague is exactly right. What happened here today, H. Res. 437, is a tragedy. What happened right here on this floor today is a tragedy for the exact reason the gentleman just mentioned.

Now, for those people who are at home and who may not completely understand the whole situation, this body is run by the majority party, which is the Republican Party. And the majority party appoints to the committees members to the Committee on Ways and Means, the Committee on Appropriations, the House Homeland Security Committee, the Subcommittee on

Foreign Operations, Export Financing, and Related Programs, and all these different committees and subcommittees. The majority appoints more people to the committee than the minority, so they basically control the committee process in the House of Representatives.

Now, some committees have subpoena powers and they can subpoena witnesses. But they will only subpoena witnesses that the majority party wants to subpoena. If the minority party would want to subpoena somebody, they could not because they could not get the power out of the committee without majority party votes. So the majority rules.

What is happening in this Congress and in the House and in the Senate is that the Republican Party controls both Chambers. So the Democrats in the minority have no subpoena power. And what has happened over the past few years here, and the great example is the later Clinton years, with Ken Starr, with the House Committee on Government Reform, the Republican Party that controlled this Chamber, they were the ones conducting the investigation into President Clinton because they had the subpoena power and they had the opportunity to do it.

So what we were trying to say, what the minority party was trying to say, the Democrats were trying to say with H. Res. 437, is this select committee that will oversee and look at how the screwups went about down in the gulf coast should be equal. It should be Democrats and Republicans both having equal subpoena power to oversee the process, because the record for the majority party over the past few years has been atrocious.

Now, let us look at a couple of things. We have talked here many, many times regarding the war, with the weapons of mass destruction, all the prewar intelligence. Has anybody looked into this in a real way, in depth? Subpoenaed witnesses? Anybody? No. Has anybody been fired? No. How about the Medicare bill that we passed at 3 in the morning. Everyone was told here it was \$400 billion. It ends up being 700 or \$800 billion after we already voted for it.

This majority party does not have the credibility, I say to my colleague, the credibility to oversee what is going on here because they are going to do nothing but whitewash this thing. Get out the Brillo pads because we are going to scrub this thing clean, and nothing is going to happen and the country is going to be worse off for it. So, my colleagues, H. Res. 437 is a joke. It is a joke. And there will not be proper investigation.

I just could not believe the debate on the floor today. The gentleman from Mississippi (Mr. TAYLOR), a Democrat who lost his home, for God's sake, was here. He is saying, should he not, as a representative of a State in a congressional district that lost lives and homes and property and everything

else, should he not be able to subpoena somebody, just like every other Member of Congress, if I am on that committee? Or should the Democrats, who many lost constituents of the 700-some that we lost, and some of those people were actually represented by Democrats, should the minority party not have the opportunity to subpoena somebody?

But, no, this thing is going to get scrubbed. Where is the transparency? Where is the equal opportunity? Where is the bipartisanship? What this bill says is there is going to be nine Democrats and 11 Republicans.

Mr. MEEK of Florida. It is a select committee. It does not have any subpoena power. You cannot subpoena anyone.

Mr. RYAN of Ohio. There is not even subpoena power.

Mr. MEEK of Florida. I mean, it is like, Will you please come and talk with us?

Mr. RYAN of Ohio. This thing is a paper tiger. It is going to be a song and dance. So let us get ready. Get out the music and the popcorn because this is going to be nothing but a dog and pony show.

I do not think anything is going to happen here, and it is going to be consistent with a lot of the other pieces of legislation that either came through this body or did not get reviewed.

So I just want to say to my colleague from Florida how disappointed I am, how disappointed the Democrats are, and I encourage the gentlewoman from California (Ms. PELOSI), our minority leader, to continue her stance and not appoint anybody to this committee. This is a toothless tiger. It is a washing machine to clean up this mess politically. I hope that our leader stands her ground and our leadership and our party stand their ground and just say that this is a joke and to appoint people to this committee would literally be contributing to the problem and lending our credibility to this issue, which I think is a joke.

Mr. MEEK of Florida. Mr. Speaker, let me just say this in order to clarify the whole issue on subpoenas. In section 5 it calls for joint operations, and it comes down to the majority party. The majority, basically, the bottom line, are the only people that can actually subpoena. So your statement was correct, the minority view on the committee or the Democratic view on the committee, if we wanted a particular individual to be subpoenaed, could not be subpoenaed if we are not in the majority to be able to do so.

Mr. RYAN of Ohio. Unless the majority wanted to help us.

Mr. MEEK of Florida. Of course. And that is in section 5 of the joint operations. But let me just say this. If there was an equal 50-50 power on the committee, then, obviously, there would be time for compromise. Okay, if you want to subpoena this witness, we want to subpoena that witness, and let us just compromise. Even though we do

not fully agree, we will get our members to vote for it.

But let me just say this. I think that it is important for us to remember that this is not the only battle as it relates to making sure that this never, ever happens again, especially after a 9/11 bill passed through, Homeland Security given all this authority, FEMA having the resources to pre-stage the equipment and to be able to move in for it to ever happen again. Whether it is something the Governor did not do in Mississippi or Louisiana or Alabama, or something that the mayor did not do in the town, wherever it may be, Gulfport, New Orleans, what have you, we have to get to the bottom of it.

Americans are pouring their hearts out and their money out, and we are using their taxpayer dollars to send down to the affected areas, and rightfully so, without the proper oversight and without any real congressional review. If a Member of Congress wanted to go down and see exactly what the Federal response was, you cannot go on what we call a congressional visit, go down there on a CODEL. No, you cannot. You have to find your own way down. Good luck, Charlie. You find your own way down there. Catch a bus if you can, or hitch a ride with a friend, or take money out of your own pocket and go.

I happened to get down there on the relief flight taking food and necessities down. That is how I got into the affected area.

□ 2000

The American people can take it for what it is. This is a coordinated campaign. Unfortunately, I do not believe it as a campaign, I see it preventing lives in the future from being lost. I cannot help but look at exactly what is going on.

U.S. News and World Report, "What went wrong?" We will never know.

Another edition, U.S. News and World Report, "Who Screwed Up?" We will never know.

Newsweek, "Poverty, Race, Katrina, Lessons of a National Shame." We will never learn because the majority does not want to learn.

Some may be saying that the 30 Something Working Group, they are on the floor are talking about the majority party's failings with regards to leading and this national tragedy. This is not an issue of being partisan. This is an issue of telling the truth. The bottom line is we always talk about what would be different if we were in the majority.

Well, the Democratic leader, the gentlewoman from California (Ms. PELOSI), recommended with the council of ranking members said, let us come back from our break and go into session and give FEMA what it needs to be able to respond to this national tragedy. Number one, it is a shame that FEMA was out of money.

What did they say? The House leadership said, no, we will be back; do not worry about it.

A day later, the President got called out on it. Time was awasting. That means maybe FEMA did not have what it needed to be able to respond to people stuck in the Superdome and in shelters.

And in Mississippi, where I went, in Hancock County, they had sanctioned looting. It was sanctioned because they had no food and no water. It was not a situation where they said, fine, electricity is off, we do not have a lot of law and order going on, so we are going to go into this store and take things. These are individuals who work every day.

Second point, the Democratic leader said we need to make sure that we have a FEMA director that knows what he is doing. This one does not. He needs to step down. Because, obviously, if he was there the day before the storm and his administration was there before the storm and they watched this come in, knowing what the National Weather Center has done, and I am speaking from fact. I went down to Miami, just south of my district in Miami, and met with the director of the Hurricane Center last Friday. He was here before the Committee on Science this week and testified. He told the officials that the levees would break. A Category 4 or Category 5 storm, they will break, so it was not secret.

He called the mayor of New Orleans on Saturday night before the storm and said, Mr. Mayor, your levees potentially will break. The mayor put out the order early Sunday morning, mandatory evacuation. We knew there would be massive flooding from the simulation pattern a year prior to this storm. The officials all knew. They knew within FEMA. The State and city folks knew. The levee board knew.

Mr. RYAN of Ohio. Everybody knew. Mr. MEEK of Florida. And people died. I think it is important. I think it is important that Mike Brown hung around. The President went down and told Michael Brown that he was doing a good job.

Mr. Speaker, people died. I am not saying that he needs to wear that on his back, but the bottom line is somebody appointed him to that position with no experience whatsoever. It is like me leaving this room, leaving this floor and saying to the gentleman from Ohio (Mr. RYAN), well, you know, I am going to carry out open heart surgery. I know nothing about it, but I stayed in a Holiday Inn Express last night.

You do not get qualifications based upon we need to fill a position, not a FEMA position. That played around, and finally the administration took him out under pressure, not only pressure from the Democratic leader but from the media who started focusing on him, saying things were going poorly because we still do not have good leadership there. He came back to Washington, and he resigned.

Then we called for this 9/11 Commission-like legislation to pass to make sure that this never happens again,

never happens again. Not natural disasters, we have no control over that. That is an act of God. But when it comes down to governance and responsibility and making sure if you are poor, middle class or wealthy in this country that this government will govern on your behalf, and that did not happen. The response to that request was we are going to put together a select committee, we are going to make sure that there is a majority influence on it as relates to the Republican leadership side, and we will not get to the bottom of what happened.

Will we have a lot of show and a lot of folks getting excited in the select committee? I am pretty sure they will have it. But what I am saying, independent individuals, I am talking about people who understand emergency management, individuals who understand weather, regular citizens from the affected areas. Regular citizens were on the 9/11 Commission, a Democratic and Republican appointment, co-chairs, to look at this and professionalize our response on all levels. That will not happen, not right now.

I think it is important that the American people, Members of Congress, no matter what community you represent, if you believe in making sure that people get the same representation, for us to have a 9/11 Commission, and I must add and say to the gentleman from Ohio (Mr. RYAN), and we come to the floor to talk about what we should be doing and how we should be doing it or what we are doing on this side of the aisle, it is important for us to know the facts. This is the same Congress in the majority that the 9/11 families came up here, and they voted down two opportunities to set up a 9/11 Commission. This is the same Congress, until it just became overbearing that there were major mistakes in our intelligence, major mistakes and flags, and they are still finding stuff because of the 9/11 Commission that could have saved lives.

Better yet, we came to this floor, the 9/11 bill came to the floor, and we have better intelligence, better communications between Federal, local and State agencies because of their work. It is one of the best pieces of legislation that has passed this floor. So now the difference between the 9/11 families and what has happened down in the South is the fact that these individuals are poor, that they are still in the recovery process, and they have not been heard from yet. They have not been heard from. I think it is important that we give those individuals voice.

I am not saying just Democrats that are concerned about individuals that are affected in affected areas. I am talking about Members of Congress giving them voice to allow them to not ever go through this again and also make sure that they do not become victims when we have contractors with no restraints, no-bid contracts. They can run the tab up to whatever they

can run it up to, and then the President is going to waive Davis-Bacon which allow the people in the recovery process to receive minuscule wages, not what they would ordinarily get from Federal procured work.

I think it is important. The differences:

A, coming back here in session, it would have happened without hesitation if Democrats were in the majority.

B, Michael Brown would have gone to another job long before because the pressure, and there probably would have been a vote to remove the director, putting pressure on the White House to get someone more qualified.

C, we would have a 9/11-type commission appointed today to start pulling itself together to do the work and make sure this never happened again.

D, the procurement issue, it would not be an issue because there would be proper oversight. These are very serious issues.

The only reason I am saying Democratic leadership versus Republican leadership, because that is exactly the direction we are going in now. The votes that are going down here are partisan votes, not votes on behalf of what we know. We are not talking about a Truman Commission or something that happened 20 or 40 something years ago. We are talking about a 9/11 Commission that is still doing its work, and it is the same administration and the same majority side in Congress.

I am asking for the Members of this House on both sides of the aisle and for the American people not to give up on these poor people. That is the bottom line. Do not give up on them. They are not giving up on us. The American people, community after community, are taking care of the evacuees, taking care of these Americans, but we need to make sure that the government that they pay taxes to, that their children are fighting in a war for, making sure that they are not left behind because they do not have the economic means to be able to come up here to Washington and say we want a commission, we want it now, we want to make sure this never happens for my husband, my neighbor, for my family, for a family member or just someone who is unrepresented in this process.

Mr. RYAN of Ohio. Mr. Speaker, The Washington Post reported, just to support the gentleman's argument, five of the eight top Federal management agency officials came to their posts with virtually no experience in handling disasters and now lead an agency whose ranks of seasoned crisis managers have thinned dramatically since 9/11. Five of the top eight FEMA people had no emergency management experience at all. What did we think would happen if we had this kind of tragedy?

I still say it had a lot to do with the number of electoral votes in Louisiana and Mississippi than anything else. Because if it was Florida, with all due respect, they would have been there with

billions of dollars prior to. If it was an election year, everybody would be down there, and the President's brother would be running around campaigning.

I think it is terrible that we have this kind of cronyism going on. We understand. We are not simpletons. We know that a President appoints his friends who make a lot of donations to posts in the executive branch. We know that. That is how it goes. But to appoint these people to FEMA? During a rise in hurricanes? Come on. It is irresponsible.

As far as the committee goes, as far as having a committee, CNN Gallup Poll taken a few days ago, 70 percent of the American people supported an independent panel to investigate our response to Hurricane Katrina. That is 70 percent of the American people, 70 percent of those responding. I think it is important for this body to recognize that this toothless tiger, this paper tiger that we passed today, H. Res. 437, is not what the American people want. They want an independent investigation, bipartisan, equal power among both parties to investigate it so there is no coverups, no whitewashing going on. That is what the American people want.

Mr. Speaker, I would like to start talking about something that I think is very important. We are going to do this. This country is going to make sure that we rebuild. The problem that we were talking about with the administration is a big hurdle for us. The money is another hurdle. I cannot believe that with all of the challenges that we have right now in this country that this President cannot go to the wealthiest Americans, his top campaign contributors, and ask them to give back just a wee little bit of their tax cut that they got over the past 4 or 5 years, just a wee little bit to help us fund Hurricane Katrina, to help us fund the war.

We are giving millionaires hundreds of thousands of dollars back, and our deficit is ballooning. Now, today, it is reporting we are going to need another \$50 billion to keep the war fund going. We are already hundreds of billions of dollars into the war, and now we have Hurricane Katrina. Hindsight is 20-20, but you do not get into elective wars that bog you down because you just never know what is going to happen.

□ 2015

We do not overextend ourselves, because we do not know when a Katrina is going to happen, when a national tragedy is going to happen. That is prudent leadership.

And now we are running budget deficits as far as the eye can see. We are borrowing the money from the Chinese and the Japanese. We are giving our country away, and we have got to pay interest on it. And one would think, and I hope, as the President is talking right now, that somewhere in his speech he has the guts to ask the

wealthiest people in the country to help us here because we need help.

I ask the President to take the leadership role that the American people have given him and have the guts to ask the wealthiest people in the Nation to help us rebuild the gulf coast, to help us fund this elective war that he got us into. We pay them back. They have got their tax cuts. We do not even have to take all of them back. We just need a few hundred billion dollars to pay for the war and to pay for Katrina. Have the guts to ask them for it. If they are in the health care industry, I am sure they are doing okay. If they are in the oil industry, I am sure they are doing just fine. Record profits as far as the eye can see in the oil industry. The greatest quarterly profits, billions and billions and billions of dollars for BP and a lot of these other folks. The big money people are doing okay. But those little kids on the covers of those magazines, those are the ones that we need to help. And to not have the courage to ask the wealthiest people in the country to help out, I think, is poor leadership.

So I think as much as we are talking about restructuring and trying to figure out what we are going to do and how we are going to make the government run more efficiently and how we are going to take care of FEMA and fix the problems that we have been talking about here the past few weeks, a component of that is what are we going to do with our budget deficit. Because, again, this was something we have been talking about with the 30-some-things for months and months and years even now. So I ask the President to please ask these people to contribute. They are the only ones doing really well in the country right now. Ask them to help out.

I am sure in the gentleman from Florida's (Mr. MEEK) district, as in my mine, people who do not have a lot of disposable income are the ones bringing the canned goods. And I am not saying that the wealthy people are not doing it. Of course they are. But right now our government needs funds, and we need the wealthiest in the country to contribute. And we have got to have a President that is willing to ask them to help out. And to see the disparity between those who have and those who do not highlighted through this whole tragedy, I think, really is a call for all of us in public office, especially those in high-ranking leadership positions, like the President, to make the proper request; and we need to ask those who have been doing very well to contribute to this fund.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, we have central time in the affected area, eastern time. I know that the President is going to be on 8 o'clock central, but he is going to be on at 9 o'clock eastern. But, obviously, he will be coming on very shortly. But I think it is important that it is not the words he is going to share with the American people tonight. It is

the action. We have to look at the action or the lack thereof that has been taken thus far.

Flying down, reviewing the devastation, talking to families, we have to go far beyond that. We have to make sure that Members of this Congress feel what we feel here on this floor tonight, having an opportunity to touch these individuals.

And I just want to say, Mr. Speaker, this is a picture of, I may say, very fortunate individuals. This is a FEMA trailer down in Hancock County, Mississippi. I am standing there talking to one of the FEMA part-time workers. And there is a row of people actually behind us. There are maybe 10 phones in this trailer. But these individuals waited about 2 hours, and that is the short line, to get the assistance. They say that it should be 48 hours, 72 hours when it goes into their bank account. Many of these individuals, some of them returned back because they applied 3 days earlier and they still did not receive the assistance.

But I think it is important for us to realize, Mr. Speaker, that he mentioned the poll about putting an independent commission together. Because it is one thing to be able to say I will do my investigation and we will make sure that this never happens again and the gentleman from Ohio (Mr. RYAN) is my good friend and I am going to make sure that he did what he was supposed to do. I do not think we are going to get down to the real truth about how we can avoid this from happening in the future, the governmental response, also making sure that the nonprofit agencies that we tie in with, that they did what they were supposed to do.

As it relates to the evacuation of poor people, there was a bill dropped down today on the Democratic side of the aisle that called for a response plan, an evacuation plan for the poor, for the elderly, for the individuals that need assistance the most, because what we saw in New Orleans, what we saw in Louisiana, what we saw in Mississippi, the individuals that were left behind were the individuals who did not know where their next \$5 was going to come from or were waiting on their check to come in or did not have a car to get out, and it is catastrophic.

So for us to be the last standing superpower, for us to have a President that we call the leader of the Free World, and for us to allow this to happen to Americans is shameful. That is not what I am saying. That is what weekly periodicals are saying. That is what the headlines on newspapers are saying. That is what everyday Americans are saying.

Some folks say it has a lot to do with the fact that people just did not listen to us. Well, there are a lot of people who did listen, and there are a lot of people that are somewhere else, at a cousin's house right now; but their homes are gone. Many of them did not even have insurance because their homes were paid for or they could not afford it.

Mr. Speaker, the bottom line here tonight is that we cannot allow business as usual or "the establishment" to sweep this under the carpet. We are not saying that blood is on anyone's hands. We are not saying that. What we are saying is that we cannot afford for it to happen again. That is the bottom line.

So I think, Mr. Speaker, before we leave here tonight, we need to make sure that we give the e-mail address out. We need to make sure that Members know on both sides of the aisle that we have a responsibility to stand for these individuals. If somebody wants to do something, I think they need to help these individuals in the South. They need to help these individuals who do not have the means to come to Washington to organize themselves and ask for a government-sanctioned, funded independent commission to be able to make sure that someone's husband or wife does not run out of oxygen because the levees broke and because we could not reach them and that instead they sat in their homes for 3 days and perished.

On their memory, on behalf of them, make sure that does not happen again. Like in the charity hospital where 35 or 40 folks perished because the levees broke and we could not do anything, and we come to find out that those individuals did not even drown. They just expired. They did not get health care. The power ran out. The generator was out. All of this could have been avoided. All of this could have been avoided with the proper oversight and governance. So we need individuals that are professionals in this field to make sure that this never happens again.

Mr. Speaker, I will just go ahead and say for those individuals that felt that the resolution that we passed today was the best thing since sliced bread and they are on the plane on the way back to their districts or what have you, off for the weekend, that they did their part, now they go home and do what they have got to do in their district, that is fine. But I think they should have a conscience, a conscience on the fact that these individuals are not getting their just due, and they are not getting represented, and they are not getting what they deserve as Americans.

They are not refugees. They are Americans; and I will tell the Members right now, if we leave these individuals behind, if we leave these individuals behind, because I am going to tell the Members right now I do not think the American public will allow that to happen. I am going to be positive on this. When one is a leader and they say, okay, we thought we did something, maybe we need to revisit this thing one more time, I think that is important. And if one is in power to be able to make that happen, then so be it.

The 1964 Civil Rights Act, the 1965 Voting Rights Act never would have been if it were not for the people out in the streets making it happen. If it were not for black and white people of good-

will saying that somebody like me can have an opportunity to come to the Congress and give a Special Order to talk about the very individuals who cannot represent themselves; if it were not for those individuals, white and black, people in the North saying something is not right in the South and we are going to risk our lives to get the attention of the government that they pay taxes to allow them to have the kind of representation they deserve, this is far deeper than the resolution on the last day of a work week.

The last vote we take, and folks go home like it is another day at the office, I am sorry. If these individuals had the means to be able to make the political contributions, maybe they would get the attention of the majority of the House. I am talking about majority on both sides of the aisle. Maybe it would be different. But all they did was they voted for representation, and they salute the same flag that we salute every day here in this House, and they deserve the representation.

I am disturbed, Mr. Speaker, I am disturbed, by the fact they are partisan votes that are going on the other side of the Congress and in this House as though it is just another piece of legislation. It is something we disagree on. Americans have lost their lives. Americans are displaced. Children are displaced. People ran out of oxygen. Folks ran out of insulin. People are wrapped up on the side of the road, and bodies are still floating; and we leave on our way to a picnic like it is nothing.

Maybe all of us have made our contributions to the best 501(c)(3) or the relief effort that we wanted to. I know I have. But I will tell the Members this: it goes far beyond that. It goes far beyond that.

So I think the 30-something Working Group has to continue to do our part. We have to continue to do our part.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, he highlighted a point. This outfit that is in the executive branch right now, it is all politics. It is all politics all the time. It is not about policy. It is all about politics and trying to keep the Republicans in the majority. And I think when we see that five out of eight of the top appointments at FEMA are political hacks, I think when we look at passing a drug bill that does not have any cost controls for the drugs, does not allow for reimportation, all politics all the time. Weapons of mass destruction, go through all the war information we had before, all politics all the time. How do we sell this to the American people? Whether it is true or not, irrelevant. We need to go to war, and we are going to say whatever we have to say to get it done.

Now, as the gentleman mentioned earlier, talking about Davis-Bacon, Davis and Bacon were two Republican Members of Congress who passed a prevailing wage law that allows for when Federal money is being spent in a certain area that the Feds will pay the

prevailing wage of that area for the workers. Because if they are paying Federal money, then they should obviously be paying for whatever the going rate is in that area.

So what the President did was he repealed the prevailing wage provision, basically saying that we are not going to have any oversight over the contractors. We are going to send them billions of dollars. Halliburton is going to get their money. We are going to pay them whatever we have got to pay them, \$50 billion, \$100 billion without any oversight from a bipartisan commission here; and at the same time as we are not overseeing what the contractors are doing. We are going to repeal the basic provision that allows for workers to at least make a decent wage in that area.

And today in the Hill newspaper, these gentlemen from Americans for Tax Reform are saying that this repeal will make it obvious that Davis-Bacon is nothing but dead weight. So here these guys are wasting all of their time, all their energy on putting the screws to the workers, guys in New Orleans that are now living in Baton Rouge or in Mississippi or in Houston who want to go back home and help rebuild their community and make the going rate in their community, the prevailing wage in their community, and these guys are wasting all their time and energy trying to screw them to the wall instead of overlooking and seeing what Halliburton is doing.

□ 2030

We are using the same administrative process with the reconstruction of Katrina as we have been using in the war, which wasted billions of dollars, no oversight of Halliburton, no oversight of all of these people who make tremendous contributions back to the President; and to have the audacity, with the great human tragedy that is there and the human suffering there, to say that you are going to waste your time and your energy making sure the workers do not get their fair share because that is dead weight, that is wasteful government spending.

These are the people who are going to go back and be able to actually do some work. It is tremendous. It is unbelievable. It is all politics all the time with these guys, and this is just one more component of that. They want to get rid of the unions, they want to get rid of prevailing wage. This one gentleman in here, he says something along the lines of it is a waste of money because the Federal money will go to the worker and if it is a union worker, the union worker will pay union dues per hourly wage. You have to be kidding me. These union workers pay like 5 cents an hour to go for the union dues, 10 cents an hour, it depends on what union you are in. But to say that this is somehow going to bankrupt the government by paying a gentleman or a woman the prevailing wage and, at the same time, billions and billions and

billions are getting wasted without any kind of oversight from a select committee in Congress is a joke, and I think it just keeps reinforcing "all politics all the time."

Mr. MEEK of Florida. Mr. Speaker, the gentleman is 110 percent right. The gentleman from Ohio mentioned an issue about being nonpartisan and being, I would say, third-party validators, I just want to make sure we are clear. On the commission procedural vote here on this House floor that was voted down, for us to have this week, voted down for us to have a 9/11 kind of a commission, I believe that was today; and yesterday, there is an article, and I will give it to the Members just in case they were not watching the Senate, [www.sfgate.com](http://www.sfgate.com), there is an article: "Senate Kills Bid For Katrina Commission."

Now, let me tell my colleagues something. This is nothing that we did; this is something that the majority did. If they wanted to get to the bottom of it and to make sure that it never happens again and to make sure that Americans do not have to watch the horror, the horror of people dying and bodies floating, not because of Katrina, but because of lack of response, because the levee broke and because of a lack of administrative duties and governance on all levels; if we do not want that to happen again, why are we not passing a 9/11 kind of commission for the people in the gulf States?

They do not want to hear a speech. They do not need to hear, oh, we are going to do this, that, and the other. We are at war right now. We have men and women right now with sand in their teeth and bombs blowing up every day around them, away from their families, some have family in the affected area. I just want to give credit where credit is due; some of them had an opportunity to come back and check on their families. But let me just say, we have to go far beyond allowing business as usual.

I call on the Members and the American people again not to allow this to be swept under the carpet, not to allow individuals to sit up here and set the deck because these individuals are poor. We are better than that, and I know that we are going to do it.

Mr. Speaker, I want the gentleman from Ohio to give our e-mail address out. I know our hour is coming to a close. But I will tell my colleague, I am encouraged. I am encouraged because the American people, some 70 percent of them say they want an independent commission, and it is not a partisan issue. Those are Democrats and Republicans. I am encouraged that the democratic leader, the gentleman from California (Ms. PELOSI) is willing to stand in there against the wind for what the American people believe in and not allow business as usual. I am encouraged. I am encouraged by the fact that people are not only praying on behalf of these individuals, but the American people have taken action on behalf of

them, making sure that they have the things that they need. Throughout the country people are bringing people into their homes, paying rent for them as they are displaced at this particular time. I am encouraged. I am encouraged by the fact that these victims, many of them have praying grandmothers to make sure that they are even able to stand up and go through the trials and tribulations that they have gone through and they still go through. I am encouraged by that.

So, I say that every time that we have an opportunity to come to this floor and speak as free Americans in this democracy, we are going to give those individuals voice. I am glad that there is some leadership on this floor that sees the importance in that.

Mr. RYAN of Ohio. Mr. Speaker, I am going to make a prediction. The hour is late, but I am going to make a prediction. The American people will not allow, will not allow the Republican Party to get away with having another white wash. They are not going to allow them to scrub this up and cover this up and clean it up without having proper oversight. Seventy percent of the people in this country want an independent commission to look at this, or a bipartisan commission to look at this. And I think until that happens, the Republican Party will continue to get pressure from the American people.

I think the gentlewoman from California (Ms. PELOSI) is going to stand strong. And, quite frankly, again, we should not appoint anybody to this commission. Eleven Republicans, nine Democrats, we do not have an ounce of power on this thing, and we will get slammed just like we do every day down here, and the end result will be a FEMA that continues to be inept and inadequate in its response to natural disasters.

So I say that the American people, that 70 percent of them who want this independent commission will not let this go, will not let the corruption and the cronyism continue. Mr. Speaker, [30somethingdems@mail.house.gov](mailto:30somethingdems@mail.house.gov), send us an e-mail. We will be back here next week for a couple more nights and keep hammering away. We are not going to let go until we get the kind of commission that the American people want, that is only fair, and that will best fix the problems that we have in FEMA right now, because it will have proper oversight.

Mr. MEEK of Florida. Well said, I say to the gentleman. I thank my colleague for joining me in this (special order) this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COOPER (at the request of Ms. PELOSI) for today after 2 p.m.

Mr. TANNER (at the request of Ms. PELOSI) for today on account of a family funeral.

Mr. ISTOOK (at the request of Mr. DELAY) for today on account of observing relief operations from Hurricane Katrina.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today on account of illness.

Mr. PICKERING (at the request of Mr. DELAY) for today after 12:30 p.m. on account of traveling to his district with the President of the United States to survey hurricane damage.

Mr. ROGERS of Michigan (at the request of Mr. DELAY) for today on account of a family commitment.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mrs. MYRICK, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 20 and 21.

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 20, 21, and 22.

Mr. NUSSLE, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMPSON of Mississippi and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost \$3,034.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 276—An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

#### ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), under its previous order, the

House adjourned until Monday, September 19, 2005, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3909. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Early Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3910. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3911. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3912. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population (RIN: 1018-AT68) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3913. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3914. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation of Economic Exclusions From August 2003 Final Designation (RIN: 1018-AU06) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3915. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Roswell springsnail, Koster's springsnail, Noel's amphipod, and Pecos assimineae as Endangered with Critical Habitat (RIN: 1018-AI15) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Monterey Bay and Humboldt Bay, CA. [COTP San Francisco Bay 04-003] (RI: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-05-072] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA [CGD11-05-006] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-102] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Rock Island, IL [CGD08-05-025] (RIN: 1625-AA9) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA [CGD05-05-041] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 05-006] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-05-031] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Massalina Bayou, Panama City, FL [CGD08-05-040] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Alexandria, VA and Oxon Hill, MD [CGD05-05-093] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, MD [CGD05-05-094] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-080] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York, New York Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-079] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-078] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Carquinez Strait, Martinez, CA [CGD11-05-019] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Petaluma River, Blackpoint, CA [CGD11-05-023] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-061] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Berwick, Bay, (Atchafalaya River) Morgan City, Louisiana [CGD08-05-029] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Oper-

ation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD08-05-033] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinville Fireworks, Baldwinville, N.Y. [CGD09-05-108] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North-erly Island, Chicago, IL [CGD09-05-118] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, Maryland [CGD05-05-101] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project. [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Irish Festival Currach races, Lake Michigan, Milwaukee, WI [CGD09-05-115] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Program Analyst, FAA, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-20799; Directorate Identifier 2004-NM-264-AD; Amendment 39-14212; AD 2005-16-07] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30447; Amdt. No. 3124] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establish Class D Airspace; Front Range Airport, Denver, CO [Docket FAA 2005-20248; Airspace Docket 05-AWP-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2004-19851; Airspace Docket No. 04-AAL-13] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Revocation of Compulsory Reporting Point; MT [Docket No. FAA-2005-21907; Airspace Docket No. 05-ANM-11] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of Class C and Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA [Docket No. FAA-2005-21337; Airspace Docket No. 05-ACE-16] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-2531; Tracy, CA [Docket No. FAA-2005-21957; Airspace Docket No. 05-AWP-8] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brunswick, ME; Correction [Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2005-20873; Directorate Identifier 2005-NM-026-

AD; Amendment 39-14213; AD 2005-16-08] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 25, 35, and 36 Airplanes [Docket No. FAA-2005-20798; Directorate Identifier 2004-NM-257-AD; Amendment 39-14214; AD 2005-16-09] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2005-21088; Directorate Identifier 2004-NM-267-AD; Amendment 39-14215; AD 2005-16-10] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-21184; Directorate Identifier 2004-NM-111-AD; Amendment 39-14211; AD 2005-16-06] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters [Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14209; AD 2005-16-04] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. McKEON, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 3784. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3785. A bill to amend the Internal Revenue Code of 1986 to exempt from personal use rules the use of vacation property as a residence for persons displaced by Hurricane Katrina; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. McCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, Mr. MELANCON, and Mr. WICKER):

H.R. 3786. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Ms. LINDA T. SANCHEZ of California, Ms. KAPTUR, Mr. MCGOVERN, Ms. BALDWIN, Mr. RUSH, and Ms. DELAURO):

H.R. 3787. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Mr. BOEHNER, Mr. JINDAL, Mr. BAKER, Mr. ALEXANDER, Mr. BOUSTANY, Mr. WICKER, Mr. PICKERING, and Mr. McKEON):

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3789. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. KIND:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. CAPPS, and Ms. BALDWIN):

H.R. 3791. A bill to provide for the deferment of acquisition of petroleum for the Strategic Petroleum Reserve under certain circumstances; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. CAPPS):

H.R. 3792. A bill to provide for the establishment of a Gasoline Availability Stabilization Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CAPPS:

H.R. 3793. A bill to ensure that predisaster hazard mitigation continues beyond 2005; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself and Mr. RUSH):

H.R. 3794. A bill to require the Secretary of Housing and Urban Development to make single family properties held by the Department pursuant to foreclosure under the FHA mortgage insurance program available for occupancy by families displaced by Hurricane Katrina; to the Committee on Financial Services.

By Mr. FERGUSON (for himself, Mr. PICKERING, Mr. CHOCOLA, Mr. INSLEE, Mr. GERLACH, Mr. WILSON of South Carolina, Mr. HOLDEN, and Mr. VAN HOLLEN):

H.R. 3795. A bill to amend title XVIII of the Social Security Act to modify the definition of outpatient speech-language pathology services in order to recognize speech-language pathologists as suppliers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 3796. A bill to establish the AmeriCorps Disaster Relief Corps to carry

out national service projects that address the needs arising from the consequences of Hurricane Katrina, and other major disasters and emergencies; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. HOSTETTLER, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. GUTKNECHT, Mr. TANCREDO, Mr. GOODE, Mr. MCHENRY, Mr. FEENEY, Mr. CHABOT, Mr. MARCHANT, and Mr. BARTLETT of Maryland):

H.R. 3797. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space for the United States Government until January 1, 2007; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER:

H.R. 3798. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the monthly rates of the basic allowance for housing and the cost-of-living allowance for members of the uniformed services in response to sudden increases in energy and gasoline prices; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas:

H.R. 3799. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 3800. A bill to amend title XIX of the Social Security Act to extend for 1 year the qualified individual (QI) program of Medicare cost-sharing assistance to low-income Medicare beneficiaries; to the Committee on Energy and Commerce.

By Mr. LAHOOD:

H.R. 3801. A bill to reduce temporarily the duty on sulfentrazone; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Ms. LINDA T. SANCHEZ of California, Mr. ISRAEL, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. WATT, Mr. PAYNE, Mr. JEFFERSON, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. OWENS):

H.R. 3802. A bill to provide student loan forgiveness to the surviving spouses and parents of the victims of Hurricane Katrina; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 to allow certain surviving spouses to exclude up to \$500,000 of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. MCCARTHY:

H.R. 3804. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mrs. MCCARTHY):

H.R. 3805. A bill to establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction; to the Committee on Transportation and Infrastructure, and in addition to the Committees

on Government Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 3806. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. NEY:

H.R. 3807. A bill to amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate "boutique" fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY:

H.R. 3808. A bill to amend title 18, United States Code, to provide criminal penalties for price gouging during times of disaster; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BACA, Mr. HOLDEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CASE, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. HERSETH, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUTTERFIELD, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARROW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. BECERRA, Mr. OBERSTAR, Mr. GRIJALVA, Mr. REYES, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR):

H.R. 3809. A bill to respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3810. A bill to establish a Special Inspectors General Council for Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 3811. A bill to terminate the effect of laws prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 3812. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokolumne River, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3813. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 3814. A bill to ensure that highway safety signs within 5 miles of a border checkpoint in the United States are bilingual; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, and Mr. MEEK of Florida):

H.R. 3815. A bill to ensure that communities are prepared for evacuation in case of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 3816. A bill to reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. RUSH, Mr. PUTNAM, and Mr. COLE of Oklahoma):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. ISSA:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BROWN of Ohio, Ms. HARRIS, Mr. ISSA, Mr. LEVIN, Ms. GRANGER, Ms. DELAURO, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Ms. BALDWIN, Mr. COOPER, Mr. WAXMAN, and Mr. DINGELL):

H. Res. 444. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. DELAY:

H. Res. 445. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MALONEY:

H. Res. 446. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA in preparing for the launch of Space Shuttle Discovery on STS-114; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Ms. MILLENDER-MCDONALD, and Ms. SLAUGHTER):

H. Res. 447. A resolution permitting the use of the frank for mailings which include solicitations for charities responding to a major disaster which is the subject of a Presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H. Res. 448. A resolution recognizing the suffering of both Israelis and Palestinians and acknowledging the sacrifices made in the interest of peace by the Israeli settlers who left the Gaza Strip voluntarily, and for other purposes; to the Committee on International Relations.

By Mr. TIERNEY (for himself and Mr. LEACH):

H. Res. 449. A resolution to create a select committee to monitor and investigate the awarding and carrying out of contracts related to the relief and reconstruction efforts in response to Hurricane Katrina; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 3819. A bill for the relief of Vicente Beltran Luna; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 3820. A bill to clarify section 1511 of the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 3821. A bill for the relief of Alejandra Arias Martinez; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3822. A bill for the relief of Milton De Jesus Marroquin; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 3823. A bill for the relief of Alcibiades Velasquez Olarte, Paulina Garzon de Velasquez, Luis Eduardo Velasquez Garzon, Sandra Pena Escobar, Nicholas Jose Velasquez Pena, Luis Felipe Velasquez Pena, Miguel Antonio Velasquez Garzon, Rocio Suarez Mendez, Michelle Camila Velasquez Suarez, Maria Hilma Velasquez Garcon, Teresa Velasquez Garcon, Sandy Paola Olarte Velasquez, Flor Ines Velasquez Garzon, Ramon Domingo Claro Correa, Sebastian Camilo Claro Velasquez, Marina Velasquez Garzon, and Clara Imelda Velasquez Garzon; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. REYES.

H.R. 145: Mr. MCCOTTER.

H.R. 146: Mr. MCCOTTER.

H.R. 147: Ms. WASSERMAN SCHULTZ, Mr. STUPAK, and Ms. VELAZQUEZ.

H.R. 226: Mr. MEEKS of New York, Mrs. MCCARTHY, and Mr. LARSON of Connecticut.

- H.R. 302: Mr. WU.  
H.R. 331: Mr. ENGLISH of Pennsylvania.  
H.R. 356: Mr. TAYLOR of North Carolina and Mrs. SCHMIDT.  
H.R. 363: Ms. CARSON, Mr. LANTOS, Mr. BERRY, and Ms. SLAUGHTER.  
H.R. 376: Mr. REYES.  
H.R. 445: Mr. MARSHALL.  
H.R. 551: Mr. CAPUANO.  
H.R. 552: Mr. CONAWAY.  
H.R. 583: Mr. LATOURETTE, Mr. GERLACH, and Mr. TIBERI.  
H.R. 691: Ms. FOXX.  
H.R. 698: Mr. KING of Iowa and Mr. CONAWAY.  
H.R. 759: Mr. CAPUANO and Ms. VELÁZQUEZ.  
H.R. 813: Mr. GRIJALVA and Mr. LARSON of Connecticut.  
H.R. 819: Mr. GENE GREEN of Texas.  
H.R. 874: Mr. GOODE.  
H.R. 885: Mr. MARKEY, Mr. BILIRAKIS, Mr. WATT, and Mr. FORTUÑO.  
H.R. 896: Mr. SMITH of Washington.  
H.R. 920: Mr. BRADY of Texas.  
H.R. 923: Mr. BOUSTANY.  
H.R. 925: Mr. HERGER and Mr. CALVERT.  
H.R. 1002: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. PRICE of North Carolina.  
H.R. 1100: Mr. MARCHANT.  
H.R. 1121: Mr. KNOLLENBERG.  
H.R. 1131: Mr. LAHOOD, Mrs. TAUSCHER, Mr. STARK, Mr. DICKS, and Mr. PETERSON of Minnesota.  
H.R. 1153: Ms. DELAUNO and Mr. JEFFERSON.  
H.R. 1201: Mrs. DAVIS of California.  
H.R. 1204: Mr. BISHOP of New York, Mr. GILLMOR, and Mr. TOM DAVIS of Virginia.  
H.R. 1282: Mr. BROWN of Ohio, Mr. ORTIZ, and Mr. WAMP.  
H.R. 1298: Mrs. JONES of Ohio, Mrs. CAPPS, and Mr. BURTON of Indiana.  
H.R. 1329: Mr. PASCRELL, Mr. MENENDEZ, Mr. EVERETT, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. SABO, Mrs. DAVIS of California, and Ms. BERKLEY.  
H.R. 1376: Mr. LOBIONDO.  
H.R. 1390: Mr. GENE GREEN of Texas, Mr. LANTOS, Mr. REYES, and Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.  
H.R. 1409: Mr. TOWNS.  
H.R. 1426: Ms. BEAN.  
H.R. 1522: Mr. RYAN of Ohio.  
H.R. 1545: Mr. MEEK of Florida.  
H.R. 1548: Mr. PAUL, Mr. UPTON, Mr. KINGSTON, Mr. COSTA, and Mr. LEWIS of Kentucky.  
H.R. 1558: Mr. EVERETT.  
H.R. 1598: Mr. BISHOP of Georgia.  
H.R. 1607: Ms. HART.  
H.R. 1634: Mr. WESTMORELAND.  
H.R. 1691: Mr. PETRI, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. SENSENBRENNER, and Mr. KIND.  
H.R. 1707: Mr. PALLONE, Mr. DOGGETT, and Mr. FRANK of Massachusetts.  
H.R. 1749: Mr. KING of Iowa, Mr. GOODE, and Mrs. MUSGRAVE.  
H.R. 1770: Mrs. CAPITO.  
H.R. 1851: Mr. HOLDEN.  
H.R. 1898: Ms. HARRIS.  
H.R. 1986: Mr. SHADEGG.  
H.R. 2014: Mr. MOORE of Kansas.  
H.R. 2045: Mr. SOUDER.  
H.R. 2121: Mr. MCCOTTER, Mr. TERRY, Mr. BEAUPREZ, and Mr. PAUL.  
H.R. 2209: Mr. POMEROY and Mr. STUPAK.  
H.R. 2211: Mr. BROWN of South Carolina.  
H.R. 2238: Ms. HERSETH.  
H.R. 2258: Mrs. WILSON of New Mexico.  
H.R. 2317: Mr. HONDA, Mr. SODREL, Mr. REYES, Mr. BARTLETT of Maryland, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Mr. BRADY of Texas.  
H.R. 2356: Mr. SANDERS, Mr. ROHRBACHER, Mr. MORAN of KANSAS, and Mr. VAN HOLLEN.  
H.R. 2363: Mr. ROHRBACHER, Mr. HERGER, Mr. ISSA, and Mr. CALVERT.  
H.R. 2389: Mrs. SCHMIDT.  
H.R. 2533: Mr. OSBORNE, Mr. STUPAK, and Mr. PETERSON of Minnesota.  
H.R. 2631: Mr. MEEKS of New York.  
H.R. 2661: Mr. EDWARDS.  
H.R. 2662: Ms. NORTON.  
H.R. 2669: Mr. EVERETT, Mrs. TAUSCHER, and Mr. PAYNE.  
H.R. 2673: Mr. VAN HOLLEN.  
H.R. 2679: Mr. MCCOTTER, Mrs. MUSGRAVE, and Mr. MARCHANT.  
H.R. 2694: Mr. REYES.  
H.R. 2759: Mrs. MCCARTHY.  
H.R. 2803: Mr. GILLMOR, Mr. RAHALL, Mr. BILIRAKIS, and Mr. CHOCOLA.  
H.R. 2804: Mr. MICA.  
H.R. 2823: Mr. GARRETT of New Jersey.  
H.R. 2830: Mr. BARTLETT of Maryland.  
H.R. 2926: Mr. BAIRD.  
H.R. 2951: Mr. COSTA.  
H.R. 2952: Mr. SESSIONS and Mr. CUNNINGHAM.  
H.R. 2989: Mr. WALDEN of Oregon and Mr. CANNON.  
H.R. 2990: Mr. ENGLISH of Pennsylvania.  
H.R. 3005: Mr. CUNNINGHAM, Mr. DAVIS of Alabama, Mr. DENT, Mr. FORTUÑO, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. PLATTS, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. UDALL of Colorado.  
H.R. 3034: Mr. SHERMAN.  
H.R. 3042: Mr. WAXMAN.  
H.R. 3096: Mr. TIERNEY.  
H.R. 3098: Mr. TERRY, Mr. BERMAN, Mr. BEAUPREZ, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. GINGREY, Mr. PALLONE, Mr. ISSA, Mr. CUNNINGHAM, and Mr. CARTER.  
H.R. 3103: Mr. SHERMAN and Ms. WATSON.  
H.R. 3128: Ms. PELOSI and Ms. ROSELEHTINEN.  
H.R. 3135: Mr. REYNOLDS.  
H.R. 3138: Mrs. MALONEY.  
H.R. 3162: Mr. BRADY of Texas.  
H.R. 3163: Mr. PAUL.  
H.R. 3260: Mr. GRIJALVA and Mr. JEFFERSON.  
H.R. 3301: Ms. HART and Mr. HOBSON.  
H.R. 3323: Mr. THOMPSON of California and Mr. HOLT.  
H.R. 3334: Mr. SIMMONS, Mr. WYNN, Ms. SLAUGHTER, Ms. SCHWARTZ of Pennsylvania, Mr. CARNAHAN, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. WICKER, and Mr. HOLT.  
H.R. 3352: Mrs. NORTHUP.  
H.R. 3361: Mr. GARY G. MILLER of California.  
H.R. 3385: Mr. SESSIONS, Mr. HAYWORTH, and Mr. PRICE of North Carolina.  
H.R. 3422: Mr. PETERSON of Minnesota.  
H.R. 3430: Mr. GUTKNECHT.  
H.R. 3444: Mr. MILLER of Florida.  
H.R. 3478: Mr. BARTLETT of Maryland, Mr. OTTER, Mr. ABERCROMBIE, and Mr. SODREL.  
H.R. 3511: Mr. HALL.  
H.R. 3532: Mr. KILDEE.  
H.R. 3555: Mr. OWENS, Mr. McDERMOTT, and Mr. GRIJALVA.  
H.R. 3559: Mr. BOUCHER, Mr. HINCHEY, Mr. KANJORSKI, Mr. ALLEN, Mr. BISHOP of New York, Mr. VISCLOSKY, and Mrs. JO ANN DAVIS of Virginia.  
H.R. 3560: Ms. SCHAKOWSKY.  
H.R. 3561: Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, and Ms. VELÁZQUEZ.  
H.R. 3576: Ms. ZOE LOFGREN of California.  
H.R. 3579: Mr. CROWLEY, Mr. PALLONE, Mrs. MCCARTHY, Mr. CLEAVER, and Mr. BILIRAKIS.  
H.R. 3583: Mr. CROWLEY.  
H.R. 3585: Mrs. MUSGRAVE.  
H.R. 3639: Mr. KANJORSKI and Mr. RAHALL.  
H.R. 3656: Ms. MILLENDER-McDONALD and Ms. ESHOO.  
H.R. 3659: Mr. SHERMAN.  
H.R. 3667: Mr. GALLEGLY and Mr. DAVIS of Illinois.  
H.R. 3690: Ms. PELOSI and Ms. CORRINE BROWN of Florida.  
H.R. 3693: Mr. KUHL of New York.  
H.R. 3697: Ms. MATSUI and Mr. KENNEDY of Rhode Island.  
H.R. 3698: Ms. SCHAKOWSKY, Ms. SOLIS, and Ms. ESHOO.  
H.R. 3708: Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. OWENS, and Mr. ETHERIDGE.  
H.R. 3711: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. OWENS, and Mr. FILNER.  
H.R. 3712: Mr. OWENS.  
H.R. 3714: Mr. FOLEY and Mr. BOUSTANY.  
H.R. 3717: Mr. DAVIS of Tennessee, Mr. MILLER of Florida, and Mr. SHUSTER.  
H.R. 3737: Mr. SMITH of Washington and Mr. SOUDER.  
H.R. 3742: Mr. CRENSHAW and Mr. YOUNG of Florida.  
H.R. 3748: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. BURGESS, Ms. WOOLSEY, Mr. DELAHUNT, Mr. FORTUÑO, Mr. SESSIONS, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. MENENDEZ, Mr. EVANS, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. TOWNS, Mr. MICHAUD, Mr. BACHUS, Mr. DAVIS of Illinois, and Mrs. MCCARTHY.  
H.R. 3760: Ms. NORTON and Mr. SCOTT of Virginia.  
H.R. 3763: Ms. LORETTA SANCHEZ of California, Mr. ROSS, Ms. HOOLEY, Ms. HARMAN, Mr. LIPINSKI, Mr. CASE, Mr. CLAY, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.  
H.R. 3764: Mr. ABERCROMBIE, Mr. DEFazio, Mr. LARSON of Connecticut, Mr. BUTTERFIELD, Ms. NORTON, Mr. VISCLOSKY, Mr. COOPER, Mr. FATTAH, Mr. ORTIZ, Mr. RAHALL, and Mr. DAVIS of Alabama.  
H.R. 3769: Mrs. CHRISTENSEN, Mr. BROWN of Ohio, and Mr. MCGOVERN.  
H.R. 3773: Mr. JEFFERSON.  
H.R. 3774: Mr. MARKEY, Mr. OWENS, Mr. NADLER, Mr. LEWIS of Georgia, Mr. FARR, and Mr. AL GREEN of Texas.  
H.R. 3776: Ms. FOXX and Mr. JONES of North Carolina.  
H.J. Res. 55: Mr. EVANS and Mr. McDERMOTT.  
H.J. Res. 57: Mr. GRAVES.  
H.J. Res. 61: Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. KUHL of New York, Mr. CARDIN, Mr. FARR, Mr. CASTLE, Mr. BASS, Mr. OSBORNE, Mr. WEXLER, Mr. MILLER of Florida, Mrs. MILLER of Michigan, and Ms. SOLIS.  
H. Con. Res. 42: Mrs. WILSON of New Mexico.  
H. Con. Res. 50: Mrs. BLACKBURN.  
H. Con. Res. 85: Ms. LINDA T. SÁNCHEZ of California.  
H. Con. Res. 195: Mr. STRICKLAND, and Ms. LEE.  
H. Con. Res. 210: Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. OWENS, Mr. HIGGINS, Mr. LIPINSKI, Mr. TOM DAVIS of Virginia, and Mr. RAMSTAD.  
H. Con. Res. 222: Mr. FITZPATRICK of Pennsylvania and Mr. CONAWAY.  
H. Con. Res. 228: Ms. HART, Mr. McNULTY, Ms. WASSERMAN SCHULTZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. SIMMONS, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mr. HALL, Ms. MATSUI, Ms. BORDALLO, Mr. ORTIZ, Mr. BRADLEY of New Hampshire, Mr. MARKEY, Mr. RUSH, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WYNN, Mr. DAVIS of Florida, Mr. DINGELL, Mrs. CAPPS, Mr. NADLER, Ms. KAPTUR, Mr. ALLEN, Mr. CLEAVER, Mr. McHUGH, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. LEVIN, Mr. COOPER, Mr.

KILDEE, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, and Mrs. MCCARTHY.

H. Con. Res. 230: Mr. RANGEL, Mr. BERMAN, Mr. INSLEE, Mr. FORBES, Mr. CARTER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H. Con. Res. 231: Mr. SMITH of Washington.

H. Con. Res. 237: Mr. ACKERMAN, Mr. STARK, and Mr. WU.

H Res. 24: Ms. ROS-LEHTINEN.

H. Res. 192: Mr. BROWN of Ohio.

H. Res. 215: Mr. BACHUS and Mr. BARTLETT of Maryland.

H. Res. 220: Mr. LEACH, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, and Mr. EVANS.

H. Res. 261: Ms. WOOLSEY, Mr. BAKER, Mr. BOUSTANY, and Mr. LOBIONDO.

H. Res. 276: Mr. HINCHEY, Mr. SMITH of Washington, and Ms. SOLIS.

H. Res. 295: Mr. SKELTON.

H. Res. 316: Ms. PELOSI, Mr. FERGUSON, Ms. SCHAKOWSKY, Mrs. BONO, Mr. OTTER, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. SIMMONS, Mr. KUCINICH, Mr. HOYER, Mr. BECERRA, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CUNNINGHAM, Mr. GERLACH, Mr. EVANS, Mr. FRELINGHUYSEN, Mr. TOWNS, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. PORTER, Ms. KAPTUR, Ms. VELÁZQUEZ, and Mr. BACA.

H. Res. 323: Mr. MCHUGH and Mrs. KELLY.

H. Res. 325: Mr. HIGGINS.

H. Res. 368: Mr. SMITH of Texas and Ms. SCHWARTZ of Pennsylvania.

H. Res. 409: Mr. FLAKE, Mrs. MUSGRAVE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 415: Mr. MCNULTY.

H. Res. 441: Mr. GENE GREEN of Texas and Mr. JEFFERSON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3684: Mr. WAMP.

H.R. 3763: Mr. PRICE of Georgia.

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## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Brian Baird.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, THURSDAY, SEPTEMBER 15, 2005

No. 116

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Eternal Lord God, source of goodness, forgive our departures from Your plans. We have desired to rule and not to serve. We have wanted to avenge ourselves and not forgive. We have focused on getting and not giving, on speaking and not listening. We have been too busy to spend time with You, and the voice of conscience has condemned us. We have learned too little from our mistakes. Forgive us not because of our goodness but because of Your mercy.

Today, bless our Senators with Your peace. Help them to honor You with their thoughts and actions. Prepare each of us for a future of hope and trust. We pray in Your righteous Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, in a few moments, we will return to the consid-

eration of the Commerce-Justice-Science appropriations bill. We are very close to an agreement which will allow us to finish that bill at an early hour today. The two managers have worked diligently over the course of the last week and this week—it has been now 2 weeks on the bill—and we are now ready to proceed to final passage after we dispose of a few remaining issues. I expect that we will line up a series of stacked votes beginning sometime around 10:45 or 11 this morning, and we will alert Senators once we lock in that time.

Once we complete the Commerce-Justice-Science appropriations bill, we will start consideration of the Agriculture appropriations bill. Senators should begin preparing for that bill and I encourage Senators to notify their respective chairman and ranking member if they intend to offer amendments. It is helpful for the two leaders and the bill managers to know in advance what amendments will be offered so that we can proceed in an orderly way.

### HISPANIC HERITAGE MONTH

Mr. FRIST. Mr. President, I rise today to recognize the monthlong celebration honoring the heritage of Hispanic Americans. That monthlong celebration begins today.

Nearly 40 years ago, Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, George Herbert Walker Bush expanded the celebration to 4 weeks. National Hispanic Heritage Month was born. Every year we set aside a month to pay special regard to the contributions of Hispanic Americans.

Over the centuries, Hispanic Americans have profoundly affected the course of human history. Their influence predates the birth of our Nation, tracing back to the first footsteps of Spanish explorers now more than 400 years ago.

DeSoto and his men were the first to discover the mighty Mississippi. Coronado's expedition unearthed the Grand Canyon. DeAnza blazed a trail from Mexico to California's Pacific coast.

Since the dawn of early explorers, millions of men and women from Mexico, Puerto Rico, Cuba, Central America, South America, and Spain have continued the tradition of settling in America. They have come in search of freedom, peace, and prosperity, and they have gotten far more than they sought.

Through the ages, Hispanic Americans have left an indelible mark on the history, the culture, and the values of our Nation. It is those values and contributions that we celebrate.

Some names stand out. David Barkley was the first Hispanic American to receive the Congressional Medal of Honor. Barkley voluntarily swam the frosty Meuse River in France during World War I to gather information behind enemy lines. He gave his life to our country, drowning on his swim back to land.

Luis Alvarez, a Nobel Prize recipient, revolutionized the safety of air travel by inventing the ground control radar system for aircraft landings.

Ellen Ochoa was the world's first Hispanic-American astronaut.

Sara Martinez Tucker, who I had the opportunity to meet at a dinner I recently hosted, her story intrigued me so much. A native of Laredo, Sara worked her way up from humble beginnings to be the first Hispanic female to hold an executive position at AT&T. Time Magazine recently named her one of the top 25 most influential Hispanic Americans. But most important is what she has done to help other Hispanic Americans realize their own dreams. As CEO of the Hispanic Scholarship Fund, she has grown the scholarship fund from \$3 million tenfold to \$30 million in scholarship money distributed every year, and she is not stopping there. Sara wants to nearly

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



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double the percentage of Hispanics with college degrees by 2010, and I believe with her determination, she will accomplish just that.

David Barkley, Luis Alvarez, Ellen Ochoa, Sara Martinez Tucker, Alex Rodriguez, Nancy Lopez, Richard Serra, Rita Hayworth, Cesar Chavez, Alberto Gonzales, Jose Gonzalez—I mention Jose because he has a special place in my heart. Jose was the chief surgical resident at Massachusetts General Hospital when I was in my training in Boston. I was an intern at the time. Jose walked me through my very first hernia operation, an operation I have performed many times since that first occasion, an occasion which I remember vividly, an operation I continue to perform in Africa on medical mission work.

The list goes on. There are doctors, entrepreneurs, public servants, athletes, artists, philanthropists, scientists, scholars. In all of these professions, in all of these fields, the huge contributions that have been made in the past, all have contributed to that rich fabric of American life. We are a more vibrant nation and we are a more vibrant people because of it.

These names stand out, but there are many others, large and small, who move America forward every day. They are the countless heroes who have fought in our wars, who work in our hospitals, who teach in our schools, and who serve in our Government. Many have come to America with a simple hope of a better life and through hard work they have achieved that goal. We honor their character, their determination, and their enduring optimism.

It is the spirit of the American character which gives flight to the American dream and has fueled the progress of our great Nation.

Today as we begin a monthlong celebration of Hispanic heritage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

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

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The 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 the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

Kerry/Landrieu amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and homeowners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I ask to speak as in morning business.

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

Mr. FRIST. Mr. President, as I mentioned a few moments ago, we will begin voting sometime around 10:45 or 11. The plans are being finalized, and we will be back with a more specific announcement as to when that time will be as we address the amendments.

#### MEETING PRESIDENT ALVARO URIBE OF COLOMBIA

Mr. FRIST. Mr. President, on a separate issue, I want to take the opportunity to mention a meeting I am honored to be hosting later today with Colombian President Alvaro Uribe, who is visiting our country and who will be here with us in the U.S. Capitol. He has served as Colombia's President since his election in 2002 and has done a remarkable job. I have had the privilege of meeting with President Uribe during visits, both here in Washington as well as on a trip that I took to Colombia in January of 2004. Throughout his term, the President has enjoyed high levels of popular support. He has earned it. He deserves it. He ran on the platform of public security and he has delivered.

Since his election, Colombia has seen significant decreases in homicides, decreases in crime, decreases in acts of terrorism. Coca and poppy cultivation have decreased by over a third while he served in office. President Uribe has worked hard to promote greater respect for the rule of law, institute judicial reform, and improve Colombia's record on human rights.

Colombia is one of our Nation's strongest allies and our close partnership is key to advancing U.S. interests in the Western Hemisphere. Colombia is the third most populous country in Latin America after Brazil and Mexico. Because of its size and strategic location, Colombia is a key player in regional issues. In addition, it has played an active role in multilateral institutions such as the United Nations and the Organization of American States.

The close bilateral relationship that America enjoys with Colombia centers on our efforts to counter terrorism and stop illicit drug traffic. Together, our

two countries are working hard to promote stability and promote security, to promote prosperity in Colombia and the region. I look forward to discussing all of these issues with the President this afternoon.

At the top of the list, we will address the President's efforts to defeat Colombia's insurgent groups. Three main illegal armed groups operate in Colombia: The Revolutionary Armed Forces of Colombia, FARC; the National Liberation Army, or ELN; and the United Self-Defense Forces of Colombia, known as AUC. All three thrive on the illegal narcotics trade. The U.S. Secretary of State has designated all three groups as foreign terrorist organizations. For years, FARC, ELN, and AUC have terrorized the Colombian people with bombings, murders, kidnappings, extortion, hijackings, and the list goes on. They have kidnapped dozens of American citizens, and they have murdered at least 10.

Their drug-sponsored terrorist activity has created destabilizing effects on Colombia and the region and threatens the United States. The U.S. Drug Enforcement Administration estimates that more than 80 percent of the worldwide powder cocaine supply and approximately 90 percent of the powder cocaine smuggled into the United States is produced in Colombia. Colombian producers also account for 50 percent of the heroin entering the United States. The United States spends hundreds of millions of dollars each year in Colombia to train the counternarcotics forces, shore up their civilian counterdrug efforts, and help provide crop alternatives for farmers. We are getting results.

Aerial eradication alone has cut coca and poppy cultivation by a third since 2001.

Human rights is another topic that the President and I and leadership will be discussing. Members of Congress have repeatedly and rightly voiced concerns about continuing human rights violations in Colombia. FARC, ELN, and AUC are notorious culprits. I hope to learn more about how President Uribe plans to demobilize these troops and address allegations of human rights abuses within Colombia's Armed Forces.

The United States and Colombia have worked hard to build a solid foundation for a close, cooperative relationship. I look forward to hearing the President's ideas on how we can continue to work together on all of these issues of huge concern. I urge my colleagues in the Senate to continue to support President Uribe in his efforts, his convictions, his determination to fight the illicit drug trade, strengthen the rule of law, expand economic opportunity and foster peace and stability in his country and in the region. When we strengthen the security of our neighbors, we increase our security at home.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up amendment No. 1718.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1718

Mr. KYL. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1718.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KYL. Madam President, let me briefly describe what this amendment does, and then I understand the representative of the minority will interpose an objection.

This is an amendment that embodies a bill to prohibit Internet gambling and permit the enforcement of that prohibition. Most States, if not all States, already have laws on the books that prohibit Internet gambling. The problem is that those bills are difficult to enforce by the individual State attorneys general because the Internet is ubiquitous—it is across the State lines—and the attorney general in Arizona can't go to Montana and enforce such prohibition in that State.

About 10 years ago, the State Attorneys General Association came before our subcommittee and asked for this Federal legislation so that there could be a national enforcement that would enable them to give force to all of the different States' laws prohibiting Internet gambling. We have worked on this now for a decade, and twice the legislation has passed the Senate. Twice the legislation has passed the House of Representatives, each time in somewhat different form. But we have never been able to get the two bodies to pass legislation in the same year in order to effectuate that.

It is very troublesome because the process by which we have to consider legislation makes it very difficult for something like this to get floor time and have a week or several days on the floor to debate back and forth, get it passed, and do the same thing with the House and then work out a conference committee and the like. That is why we have had to resort to attaching amendments such as this to appropriations bills or other bills that are on the floor already and moving forward so that we can gain consideration of this issue. It is not particularly conten-

tious. It is certainly not partisan. The legislation has enjoyed wide bipartisan support in both bodies.

Let me briefly describe it. All it does is it allows banks and credit card companies to do what most of them are already doing voluntarily; that is, simply not honoring a credit card debt for Internet gambling. When some Internet gambling site in Aruba, for example, submits the bill to Master Charge or Bank of America and says, Joe Blow here gambled away \$1,000 of his money, put it on the credit card, and you now owe that to our Internet gambling site in Aruba, the bank or credit card company says, No. That was against the law. You can't do that. We are not paying.

It has had some effect on these operations. But to show you why it hasn't had enough, when we started a decade ago, there were 20-some sites. Today, there are over 2,000 sites. The amount of money was relatively insignificant back then. Now it is hundreds of billions of dollars. It is incredible.

A Harvard law professor described this kind of Internet gambling with regard to kids doing it on the Internet. He said it is like the crack cocaine of gambling; it is so addictive; there is no supervision.

We have gambling in Las Vegas, Atlantic City, and on Indian reservations, and it is tightly supervised and regulated. Even our subcommittee found testimony from the New Jersey Gambling Commission and said one reason we can do it is we highly regulate it. But there is no way to regulate these offshore sites. That is why it is against the law in every State.

We have a Federal act called the Wire Act which prohibits horse gambling. That is now being done on the Internet. There is a means of enforcing existing law in a meaningful way and ensuring that all of the State laws can be enforced as well. I want to indicate who is in favor of this, and then I will allow the process here to occur.

Obviously, sports groups are very concerned about the adulteration of sports. We have seen it in college sports. Even one of the universities in my State was involved in a point-shaving scandal not too long ago. Why did this young athlete involved have to shave points in the games in which he played? It was because he got into trouble with gambling debts.

The NFL, Major League Baseball, the National Hockey League, National Baseball Association, National Collegiate Athletic Association, and the NCAA strongly support this legislation because they understand that if Internet gambling becomes part of their sports, nobody can count on those sports being pure. There is always the possibility that they have been adulterated by gambling.

There are a lot of groups. The National Gambling Commission called for legislation such as this, and a lot of the groups that testified before that Commission are also strongly in support.

The National Coalition Against Gambling Expansion and groups such as the Family Research Council, Focus on the Family, Concerned Women for America, the Christian Coalition, United Methodist Church, Southern Baptist Convention, together with their co-members of the National Council of Churches, and the National Coalition Against Gambling Expansion—it includes a whole host of organizations.

Madam President, I ask unanimous consent to have this list printed in the RECORD.

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

SUPPORTERS

National Football League, Major League Baseball, National Hockey League, National Baseball Association, and National Collegiate Athletic Association.

Family Research Council, Focus on the Family, Christian Coalition, Concerned Women for America, National Coalition Against Gambling Expansion, United Methodist Church, and Southern Baptist Convention.

Together with their co-members of The National Council of Churches, which includes:

African Methodist Episcopal Church, The African Methodist Episcopal Zion Church, Alliance of Baptists, American Baptist Churches in the USA, and The Antiochian Orthodox Christian Archdiocese of North America.

Diocese of the Armenian Church of America, Christian Church (Disciples of Christ), Christian Methodist Episcopal Church, Church of the Brethren, and The Coptic Orthodox Church in North America.

The Episcopal Church, Evangelical Lutheran Church in America, Friends United Meeting, Greek Orthodox Archdiocese of America, Hungarian Reformed Church in America, International Council of Community Churches, Korean Presbyterian Church in America, Malankara Orthodox Syrian Church, and Mar Thoma Church.

Moravian Church in America Northern Province and Southern Province, National Baptist Convention of America, National Baptist Convention, U.S.A., Inc., National Missionary Baptist Convention of America, Orthodox Church in America, Patriarchal Parishes of the Russian Orthodox Church in the U.S.A., and Philadelphia Yearly Meeting of the Religious Society of Friends.

Polish National Catholic Church of America, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Reformed Church in America, and Serbian Orthodox Church in the U.S.A. and Canada.

The Swedenborgian Church, Syrian Orthodox Church of Antioch, Ukrainian Orthodox Church of America, and United Church of Christ.

The National Thoroughbred Racing Association.

Mr. KYL. This is a page and a half of religious institutions in support of this legislation.

Even groups that also are involved in sports that do involve some form of gambling, such as the National Thoroughbred Racing Association, understand that for their sport to remain pure—and it is highly regulated, as well—for them not to have the taint of gambling, they support this kind of legislation.

It has been very frustrating for me because there is such broad-based support, it makes such sense. It is so dangerous, especially for the kids in our

society. We have a very tight bill. It is quite similar to the bill that got through the Committee on Banking last year. The various groups directly involved in this are supportive of the legislation, or at least are not in opposition.

It is time to get this done before this phenomenon explodes any further and—and I underline this—before the lobbying money of these groups defeats it again. I will not name names, but people who are today in trouble with the law were partially responsible for the defeat of this legislation previously.

This kind of money should not be brought to bear as a special interest on our bodies to keep us from adopting important legislation such as this. That is why I have attempted to use the appropriations bill that is before the Senate as the vehicle to bring up this matter again. I understand from a purely technical parliamentary point of view it is incumbent upon the distinguished ranking member of the subcommittee to interpose a rule XVI objection. I understand that. I appreciate her need to maintain the committee jurisdiction and the process.

However, I note in conclusion we have legislated on appropriations bills in the past. So this is not something that has never been done before. I had hoped we would be permitted to do it in this case because of the importance of the issue, the fact that there is a very large consensus to get this done. It is very difficult to do it any other way. I am disappointed we are not able to do it at this time.

When the objection is interposed, I ask the Presiding Officer's indulgence to direct a brief inquiry to the ranking member of the subcommittee.

Ms. MIKULSKI. Madam President, I wish to acknowledge the validity of the fact that the Senator from Arizona has worked long and hard on this issue and sees this as a consumer protection issue, and protection-of-our-sovereignty issue also.

Without taking any prejudice on the merits of the amendment, I have to make a point of order under rule XVI that the amendment does constitute general legislation on an appropriations bill and is not in order.

Mr. KYL. With the Presiding Officer's indulgence, I ask a question, and I appreciate that the ranking member may not know the answer to this question.

Can the ranking member advise me who it is that is requiring the imposition of this so I can speak to that Senator or those Senators to try to reach some kind of an accommodation so we can take this matter up in the future?

Ms. MIKULSKI. Madam President, I say to my friend and member of the Judiciary Committee, I do not know. I truly do not know. I do know that these parliamentary mechanisms were worked out at the leadership level.

Mr. KYL. I appreciate that. I appreciate the words of the ranking member

and make this point that this will proceed in some way at some time when we find out who is making the objections, if anyone. It may simply be a procedural matter to preserve the committee's jurisdiction.

We will proceed. It will become law at some point at some time. I ask my colleagues on both sides of the aisle, if you have problems with this legislation, please let me know so we can try to work on those problems. There should be no reason we cannot move forward. We will be back. The next time I am back, I hope there is no one who is interposing an objection.

I appreciate the comments of the ranking member.

Ms. MIKULSKI. I call for the ruling. The PRESIDING OFFICER. The point of order is sustained. The amendment fails.

The Senator from New Mexico.

AMENDMENT NO. 1706

(Purpose: To provide funds for educational assistance to individuals and schools impacted by Hurricane Katrina)

Mr. BINGAMAN. I ask unanimous consent the pending amendment be set aside.

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

Mr. BINGAMAN. I call for consideration of amendment No. 1706.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1706.

Mr. BINGAMAN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. I ask unanimous consent that Senators LAUTENBERG and CORZINE be added as cosponsors.

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

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Senator AKAKA, Senator CLINTON, Senator MURRAY, Senator DAYTON, Senator SCHUMER, Senator LIEBERMAN, and as I mentioned, Senators LAUTENBERG and CORZINE.

The purpose of the amendment is to provide some level of temporary and immediate short-term relief to local school districts and communities that have been devastated by Hurricane Katrina. With great sadness, all of us, I am sure, have watched the faces of children who have been impacted by this terrible tragedy. Some of those children have literally lost everything.

They have lost their family members, they have lost their homes, their schools, and their entire communities.

Officials in the Department of Education estimate there are 330,000 children from Louisiana, Mississippi, and Alabama, who have been displaced by Hurricane Katrina. Many of these children are now homeless and have taken up residence in emergency shelters in one State or another.

I am confident everyone in the Senate wants to do what is right by these children. What has happened at the State and local level is amazing to watch, the way communities have come out to assist; the way families, individuals, volunteers, nonprofit organizations have come to the assistance of these children. Continuing the education of these children needs to be a top priority.

Right now, there are hundreds of thousands of children from New Orleans and Gulfport and Biloxi and Pascagoula who are sitting at desks. Some of those are in Baton Rouge, some in Houston, some in Wichita, or Albuquerque, Memphis, Olympia, or even Philadelphia. These schools have not only opened their doors to these displaced children, they have also provided these students with classrooms, with teachers, with books, with supplies, with equipment and, most importantly, with a quality education.

The obvious question is, What are the resources they are calling upon to do this? We know many of our school districts already face significant fiscal constraints. How can we expect these school districts to educate hundreds of thousands of additional children without additional resources?

We should act now and provide some immediate relief to assist the transition of these students into their new and, hopefully, temporary classrooms. I am, however, very concerned that some of the ideas that have been discussed, at least in news accounts, are problematic and could get us into a difficult circumstance in Washington.

For example, the Washington Post had an article that some believe this tragedy is a new opportunity to proceed with a large-scale voucher system and use these children to experiment on how to implement a voucher system. That would be a very unfortunate course to follow. As everyone in this Senate knows, when the subject of vouchers comes up, we have a great deal of disagreement. We should not be debating new experimental ways of providing educational assistance as part of our effort to assist these children in these circumstances.

Another example of a concern, a problem that I have seen reference to, is the suggestion in one piece of legislation that we should require these displaced students to wear identifying insignia to differentiate them from the other students in their new schools. Obviously, there are all sorts of reasons we should not visit that kind of a requirement on these students at this point.

The officials at the State level, at the local level, and at the Federal level, are just beginning to assess the magnitude of the devastation that has been experienced. Unfortunately, we have already begun to see the extent of the damage to some of the schools on the gulf coast. I understand the New Orleans School District, in particular, has been almost completely destroyed. Many schools in the region are still completely flooded and remain underwater and will have to be rebuilt completely. Others suffered extensive water and wind damage and remain unsafe.

Last week the HELP Committee received testimony from Dr. Diane Roussel, the superintendent of schools in Jefferson Parish, LA, which has 85 schools, 51,000 students, 3,600 teachers, that lies south of New Orleans. It was directly in the path of Katrina. Dr. Roussel testified that in Jefferson Parish, much like the rest of Louisiana, the local tax base provided for much of the district's resources, and any surpluses the district had have now been expended. Jefferson Parish and many other school districts impacted by Hurricane Katrina are totally out of money, are not able to pay their teachers, are not able to conduct school in any way.

Dr. Roussel said in her testimony:

Money is not always the answer to solving the ills of our public schools, but when you are talking about equipment, supplies, rebuilding, and maintaining a teaching workforce, money is the answer.

Communities cannot thrive without their schools. Families will not return to these communities if their children do not have a place to go to school. Local businesses cannot survive if those families do not return to those communities.

Rebuilding the schools has to be a first priority, not a last priority. These communities need our help now. The extent of the devastation is known by all, or at least we are beginning to know.

Let me mention one other area of great concern that we try to address in this amendment, the issue of displaced college students. There are literally tens of thousands of displaced college students. The colleges in the New Orleans area have been devastated by this storm. I am very encouraged to see the way other States, other educational institutions have stepped up to provide assistance.

In my own State of New Mexico, we have some examples of that. New Mexico State University has welcomed the University of New Orleans baseball team to Las Cruces. Members of the University of New Orleans baseball team will be going to school at New Mexico State University and playing baseball there as the New Orleans team.

The Federal Government needs to step up to the plate and do all it can, and do so right now. The amendment does not attempt to meet all the needs

we will be identifying resulting from this catastrophe, but it does begin the process. It does indicate that the Senate believes it needs to be a priority to provide some immediate relief. These communities need to know now that we are willing to act to help them.

It provides temporary assistance to school districts experiencing unexpected increases in their student populations because of Katrina. It provides funds, grants to school districts, it facilitates the temporary placement of students in elementary and secondary schools within their jurisdiction, and it helps to ensure that quality instruction is available.

This is a very worthwhile amendment and one that we should adopt as part of this first appropriations bill being considered since we have returned from the August recess. I hope very much my colleagues will agree to add this to the bill.

I understand there will be a point of order raised in connection with this, but I urge my colleagues to vote with me to override that point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I call for the regular order with respect to amendment No. 1665.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1713 TO AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1713 to amendment No. 1665.

The amendment reads as follows:

(Purpose: To provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002)

Strike all after "SEC. 522." and insert the following: "None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers."

Mr. GRASSLEY. Madam President, what I have tried to do in this second-degree amendment is correct some

flaws in the Dorgan amendment. My amendment is also meant to ensure that we maintain the strength of our trade remedy laws.

My amendment makes it clear that no funds may be used to negotiate trade agreements that do not enable the United States to preserve our ability to enforce rigorously our trade laws, including antidumping and safeguard laws.

Quite obviously, if we have laws on our books to protect our economy from unfair competition, every Senator wants to make sure those laws are rigorously enforced, including antidumping and safeguard laws.

In addition, under my amendment, our trade negotiators must avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially for dumping and subsidies. This pertains to a situation if they would lessen the effectiveness of domestic and international safeguard provisions.

My amendment is a good amendment which will ensure our trade remedy laws remain strong and that U.S. workers have effective protection against unfair import competition.

The underlying amendment I am amending, the Dorgan amendment No. 1665, purports to do the same thing. And it might. But it also has some very serious—and perhaps, hopefully, unintended—consequences. The Dorgan amendment says no funds may be used "to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices. . . ."

Now, that sounds pretty good. But if you look at this amendment a little deeper, you can see that it has serious problems. Such a sweeping amendment would prohibit our negotiators from entering into trade agreements even if the trade agreement resulted in stronger trade remedy laws.

For example, if we could not negotiate bilateral agricultural safeguards similar to those we have recently negotiated in our bilateral agreements with Chile and Australia—and these are only two examples—or maybe even in the plurilateral agreement, such as passed by the Senate, CAFTA—we could not negotiate multilateral agreements such as the OECD steel negotiations that could strengthen our trade remedy laws.

At the same time, the Dorgan amendment would severely hamper our ability to negotiate trade agreements that benefit U.S. exporters.

Now, that may be a well-intended position of my friend from the agricultural State of North Dakota—and I work with him on a lot of agricultural legislation—but it is a slippery path where we cannot even discuss trade remedies even if those discussions end up strengthening some of these remedies, such as in the case of CAFTA and Australia and Chile.

It will happen that our trade partners will respond by demanding other items

be taken off the table. In other words, once we go to the table in good faith to negotiate, and we start saying, "This is not negotiable, that is not negotiable," then you could understand that trading partners are all going to have their pet projects off the table. If we want to negotiate strengthening some remedies, as we did in the case of Australia, Chile, we could not do that. So I am trying to correct some of the inadequacies within this amendment.

Of course, when you start getting things taken off the table—the United States takes something off; the European Union takes something off; India takes something off—it has to have all items on the table in order to protect the economic interests of the United States. Particularly I found that going back to the Uruguay Round of trade negotiations, you had to have everything on the table to win any benefit for American agriculture.

The amendment by my friend from North Dakota would only serve to hamstring our negotiators, particularly if those negotiators want to strengthen our positions, as we did in Australia and Chile. And this amendment would be doing it at a time just as we are pushing the Europeans, we are pushing the Brazilians, we are pushing the G20 group, the G10 group—and for that matter I think we are pushing every other G-numbered group you can think of—to get some help for the American economy, which comes from negotiations to get down trade barriers, to get all of these groups, Europeans, Brazilians, G20, G10, G-everybody, serious and start making meaningful concessions in these negotiations, especially for the benefit of American agriculture.

Today, foreign agricultural markets are among the most protected sectors in world trade. Global tariffs on agriculture average about 62 percent. The United States, I believe, is about 11 percent. Thus, America's farmers and ranchers have much to gain if we can deliver a comprehensive, multilateral trade agreement that lowers tariffs across the board and forces subsidizing nations to harmonize and reduce their tariffs.

Let me quantify that: 62-percent worldwide average of tariffs up here of other countries; the United States at 11 percent down here. We bring these other countries down to ours, or down part way to ours; or if we bring ours down lower, as they bring theirs down lower. Common sense dictates a win-win situation for our farmers.

Because of some of these concerns as to the Dorgan amendment that I have raised about maybe the inability to even strengthen some of our trade remedies, as we did in Australia and Chile, many groups have been concerned. This amendment by my distinguished friend from North Dakota has been before the Senate now for about 4 days, so a lot of other groups have written to me about their opposition because they are concerned about it: the American Farm

Bureau, the Business Roundtable, Coalition of Service Industries, the Comprehensive Market Access Coalition, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the U.S. Chamber of Commerce, the U.S. Council for International Business, and, lastly—and one that is very important to the upper Midwest—the Corn Refiners Association.

All of these groups I have listed have expressed their strong opposition to the Dorgan amendment and I would hope would be satisfied with the amendment I have put before the Senate.

Even more important than those who want this bill to become law, the administration has weighed in strongly against the Dorgan amendment. I would like to quote from a letter I received from our Commerce Secretary, Mr. Gutierrez, and our U.S. Trade Representative, former Congressman and now Ambassador Rob Portman:

... Senator DORGAN's amendment would undermine our efforts to protect our workers and firms from unfair trade practices and to open foreign markets to America's goods and services. . . . the amendment would prevent us from negotiating agreements to improve protections against unfair trade practices where the current rules may not be fully effective.

Then they go on to say:

The amendment could also prevent us from negotiating stronger disciplines on foreign subsidies and protections for U.S. exporters against abuses by foreign users of trade remedy laws.

In fact, the Secretary and the Ambassador feel so strongly about the damages this amendment could do, they sent a letter saying they would recommend that the President veto the Commerce-Justice-Science appropriations bill if the Dorgan amendment is included.

So the bottom line: the choice is pretty simple. If Senators want to take away an opportunity to strengthen trade remedy laws, in effect, hamper our negotiators, and at the same time ensure a veto of this bill, a veto of a bill that is very important, then support the Dorgan amendment. But if Senators want to preserve strong trade remedy laws, and even opportunities to make them stronger, and avoid a veto, then please support my second-degree amendment.

I urge my colleagues to carefully consider the stakes in this vote. I think the stakes are high. There is a way to both preserve and improve our trade remedy laws, also a way of avoiding a Presidential veto, and that would be voting for my amendment No. 1713, which is a second-degree amendment to the Dorgan amendment No. 1665.

I do not know whether the Senator from North Dakota intended to not give our negotiators an opportunity to strengthen our trade remedy laws, as we did in Australia and Chile, but my amendment will take care of that oversight.

I yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, my colleague from Iowa, Senator GRASSLEY, has offered a second-degree amendment to the amendment I have pending dealing with our trade laws. This amendment is just fine, as far as I am concerned. I hope everyone will support it. It restates what is already in the underlying bill. It reminds me of those days when, as a young boy, I used to buy magic kits and they would have vanishing ink. You would write it and then you wouldn't see it. There was nothing there. So we have these vanishing ink amendments that mean nothing, say nothing, do nothing. I am for it. We apparently will have an opportunity to vote on the Grassley amendment. I hope we will have side-by-side opportunities to vote on the Grassley amendment that does nothing, and then an amendment that does something, something that stands up for the economic interests of the American people.

This is probably one of the only institutions in the entire world in which failure is deemed a success, and the more failure, the more we ought to do of it, according to the philosophy of some here in the Senate.

This chart shows our trade deficits, the red ink. This is the record trade deficit of last year, and it is going to be higher now. This is a description of how much we are buying from abroad more than we are selling abroad and, therefore, a description of how many American jobs are being sent abroad. That is what it means. Every single day—today is Thursday—we buy \$2 billion more from other countries in goods and services than we sell to other countries. That means every single day someone outside of this country ends up with a \$2 billion claim against America, American assets, American securities, American property.

Does it matter? To some it doesn't. Some think this is wonderful. They are like hogs in a corncrib; they can't get enough of this. Why? Because as we move American jobs overseas and fire American workers and then hire workers in Bangladesh or Indonesia or China, and pay them 33 cents an hour to make bicycles and trinkets and trousers and shirts and shoes, and send them to the big box retailers in America in Toledo and Los Angeles and Chicago and Fargo, the consumer gets to go in and buy an Etch A Sketch for \$9.99 or a shirt for \$9.99.

What a wonderful thing that is that the consumers get to buy a cheap shirt

made in Indonesia or China, a shirt that used to be made by an American worker who got fired. Because we buy all of that merchandise, goods and services from abroad every day, and because China ships \$170 billion more of it to our country in 1 year than it buys from our country, it means American jobs are leaving in wholesale numbers.

So this is what results, massive trade deficits, getting worse and worse, and nobody seems to care. This body, the White House, the entire Congress seems to sleep through it all. It is kind of a "Rip Van Winkle" public policy strategy. Why? Because there is not one person here who is going to lose their job over it. There is not one person wearing suspenders, not one person wearing a blue suit or smoking a cigar who is going to lose their job because jobs are outsourced to Indonesia or China. It is working folks. Bob Wills of the Texas Playboys—I have quoted him often in a song from 1941 which says: The little bee sucks the blossom, the big bee gets the honey. The little guy picks the cotton, the big guy gets the money.

So it is all of this red ink for America and jobs moving overseas which is represented as a foundation of injury to American workers and profits to those who can pole-vault over all of those nuances in public policy, such as child labor laws, minimum wages, environmental laws, the right to organize.

Well, the small trade amendment I have offered to this bill that caused such an apoplectic seizure yesterday so that we could not continue to vote, that small trade amendment I offered, does the following: It says there is a trade negotiation going on in a place called Doha. Not many have been to Doha. It is not a secret why trade negotiations are held behind closed doors in Doha because if they held them in any major city in the world there would be traffic jams with protesters, people concerned about what this is doing to their jobs.

There is a negotiation going on in Doha, and in that negotiation other countries have objected to something we have done in this country. We have something called antidumping laws to try to protect American businesses, American farmers, American workers. If other countries decide, look, we are going to target the American marketplace, there is only one American marketplace on this Earth of ours, we are going to target it because we want to go in and dump products at below cost, destroy the domestic industry, and then we will have the entire market to ourselves in the United States. If they try to do that, it is unfair trade. That is unfair trade.

So we have something called antidumping laws that would take action against those countries that try to engage in unfair trade. We also have laws that deal with countervailing duties if a country is deeply subsidizing its product in order to dump it into the U.S. marketplace. So we have protec-

tions for American businesses, American workers, American farmers, American ranchers.

At the trade negotiation in Doha, other countries are demanding that we get rid of the protections that exist that would prohibit dumping of products into our marketplace. They demand that we get rid of these protections. Our trade negotiators have said, all right, everything is on the table to be negotiated. It should not be, and I do not agree that it should be, and so I have introduced an amendment that says nothing in this act that funds our U.S. trade ambassador's office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The White House has issued a veto notice if my amendment should pass. Curious and strange that a provision that stands up for the economic interests of our country would engender a threatened veto from the White House.

The Cato Institute has sent around the following, and they can be counted on, by the way, to provide aggressive support. They have everything except the pompoms to be bona fide cheerleaders. As we get in deeper and deeper trouble, these folks think moral failure represents success. Here is what the Cato Institute says: This amendment—speaking of my amendment—is highly irresponsible, shortsighted, opportunistic, and severely detrimental to the U.S. economic interests and the conduct of U.S. trade and foreign policy.

I do not know, but as I read that work, it seems they do not support my amendment.

The United States hopes to open foreign agricultural, nonagricultural, and service markets. To achieve those goals, it must be willing to reform its agricultural and antidumping policies. What does that mean? The United States must be willing to reform its policies on antidumping and agricultural policies? Interesting, is it not?

This is what the Cato Institute is really saying: We have to get rid of these protections that exist in current law in this country to protect American workers and American business. We have to get rid of that because others do not like it, so let us negotiate it away. If it hurts farmers, so what. I mean, that is the attitude. Talk about elitists. A lot of people throw around the term "elitists."

If it hurts farmers and ranchers, so what; just negotiate away the protections that currently exist for farmers and ranchers in international trade, protections incidentally that are seldom implemented because we have trade officials who do not have a will, a backbone, or a nerve. Aside from those anatomical deficiencies, they exist in law. Now we have people who want to negotiate away the basic protections.

My colleague has come to the floor to offer a second-degree amendment, the

purpose of which is to kill the basic premise of what I am trying to do. The second-degree amendment is interesting, and I was at first thinking curious, but it is not curious because it is simple. It simply restates that which is in current law. It will do nothing to prevent our negotiators from doing what they say they are able to do in the current Doha negotiations, which is to negotiate away the basic protections that exist for our farmers, our ranchers, our businesses, and our workers.

The Cato Institute further says: If Senator DORGAN is unhappy with the final text of the Doha agreement, should it come to fruition, he can vote against its passage.

Well, one can do that for sure. The only thing one cannot do is they cannot amend it. Why? Because this Congress, with the support of Cato and the President, decided what would be smart for all of us to do is put all of us in a straitjacket and decide beforehand that we will give fast-track trade authority for people to negotiate—in this case in Doha—behind closed doors, in secret, and the product they bring back to this institution will not be able to be amended. We are able to amend almost anything else, including nuclear arms agreements, but trade agreements, no; no, because those are negotiated in secret. And when they come back, they come back under something called fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had almost this exact scenario previously. It occurred in 2002, May 14, my birthday, incidentally. We had an amendment on the floor of the Senate by Senator DAYTON and Senator CRAIG, a bipartisan amendment, that would have done essentially the same thing. It said there is no fast-track authority for any trade agreement that comes back in which our negotiators have negotiated away the basic protections, the antidumping laws and so on, that exist for our farmers, ranchers, and businesses. That passed with 61 votes. It was true then that I believe either Senator GRASSLEY or Senator BAUCUS offered another amendment that was kind of a cover amendment, and that passed 98 to 0 because it did not particularly mean much. It set up objectives but objectives that are similar to a strainer, enough holes so that whatever one wants to put through it goes through it.

So Senator GRASSLEY now has a second-degree amendment that says: Let us all agree to that which we previously agreed to that does not do anything.

So sign me up. If there is a list, let me be signed up real quick to say: Let me agree to that which was previously agreed to that does nothing. And then we will have a vote on my amendment that says: Let us stand up for the economic interests of this country; let us stand up for the economic interests of businesses and workers and insist to

other countries that the right way to do trade is fair trade. If it is not fair, then every country has a right to use its remedies to address and take action against unfair trade.

I mentioned yesterday we very seldom take any kind of action under any circumstances. We do not ever take trade action. We did once against Europe recently. We slapped the Europeans with tariffs on truffles, goose liver, and Roquefort cheese. That scared the devil out of the Europeans. This big old strong country decided to take action against Europe. We are going to single out truffles, Roquefort cheese, and goose liver.

That is hardly the "John Wayne" approach to dealing with what we understand and know to be unfair trade.

This represents a crisis. This represents a real problem, and nobody seems to care very much. My amendment is an attempt to prevent further damage in the new negotiations. It is not, as the Cato Institute insists, that I do not believe in trade. I believe in expanded trade. I believe it makes sense to have expanded trade, provided it is fair. I believe trade ought to try to lift other countries up, not press American workers and firms down.

Perhaps there will come a time when we will look back and say: Why did we not understand what this meant to our country? Why did we not understand the danger that buying \$2 billion a day from abroad more than we send abroad in exports, the danger that portrayed to our economy? Why did we not understand that? Why did we not catch it? Why did somebody not blow the whistle on it?

My hometown is 400 people, and we had a whistle similar to a lot of hometowns. We have a fire whistle, but it is also used for other purposes. Every noon, the whistle blew in my hometown. Every day at 6 the fire whistle blew in my hometown. Every day at 10 the whistle blew. We had the fire whistle blowing three times in a town of 400 people. Small towns did that to signal that it is 12. Everybody in town should know it is 12, the fire whistle is blowing. We do not have any signals around here.

I would like to see somebody blow a whistle around here at some point. When do you blow the whistle—at a \$700 billion, \$800 billion, \$1 trillion trade deficit in 1 year? We had people doing gymnastic exercises earlier this week because the trade deficit in the past month, I think it was announced last Friday, was only 57-plus-billion dollars in 1 single month, the fifth worst trade deficit in history, and people said: What a great thing that is. It actually improved a little from the month before momentarily.

My only point is, I think that those who are content to sleep through what is a growing American crisis do no favors to American workers and American business and certainly do no favors to future economic opportunity in this great country of ours. This coun-

try is measured in terms of its wealth, not by what it consumes but rather by what it produces, and if we do not stand up for producers to insist and demand fair trade, yes, ranchers and farmers, manufacturers and businesses, we do not have the strength and backbone to do that, if we are content to let people with tiny, little glasses and big degrees go halfway around the world, behind closed doors, and negotiate in secret trade agreements that continue to give us this kind of performance and move American jobs overseas and undermine American business and undermine American farmers and ranchers, then this Senate and this Congress ought to hang its head.

We can do a lot better, and should, and the place to start the first baby step, in my judgment, is to start with two things: Vote for the Grassley second-degree amendment that says we agree with which we have previously agreed and want to vote yes for something that does nothing, but it does not harm anything, so we will all vote yes and then vote for the amendment that I have offered—it has been now pending for almost a week—that does stand up for this country's economic interests. It does not impede fair trade or free trade. It demands and insists that we have the right to protect ourselves when others will use trade practices to injure our country, our workers, our manufacturers, our farmers, our ranchers. So we will vote at some point and my hope is that those who feel as I do will support the amendment I have offered for the reasons I have described.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1713, AS MODIFIED

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Grassley amendment No. 1713 be modified to be a first-degree amendment and that at 11:45, the Senate proceed to a vote in relation to the Grassley amendment No. 1713, as modified, to be followed by a vote in relation to the Dorgan amendment No. 1665, with no amendments in order to the amendments prior to the votes and with 2 minutes of debate equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. No objection.

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

The amendment is as follows:

#### AMENDMENT 1713, AS MODIFIED

At the appropriate place, insert:  
"SEC. \_\_\_\_ None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the

United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers."

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The question is on agreeing to Grassley amendment No. 1713, as modified.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the Grassley amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey Mr. (CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

#### YEAS—99

Akaka	DeWine	Lieberman
Alexander	Dodd	Lincoln
Allard	Dole	Lott
Allen	Domenici	Lugar
Baucus	Dorgan	Martinez
Bayh	Durbin	McCain
Bennett	Ensign	McConnell
Biden	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Obama
Burns	Gregg	Pryor
Burr	Hagel	Reed
Byrd	Harkin	Reid
Cantwell	Hatch	Roberts
Carper	Hutchison	Rockefeller
Chafee	Inhofe	Salazar
Chambliss	Inouye	Santorum
Clinton	Isakson	Sarbanes
Coburn	Jeffords	Schumer
Cochran	Johnson	Sessions
Coleman	Kennedy	Shelby
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Cornyn	Kyl	Specter
Craig	Landrieu	Stabenow
Crapo	Lautenberg	Stevens
Dayton	Leahy	Sununu
DeMint	Levin	Talent

Thomas Vitter Warner  
Thune Voinovich Wyden

## NOT VOTING—1

Corzine

The amendment (No. 1713, as modified) was agreed to.

## AMENDMENT NO. 1665

The PRESIDING OFFICER (Mr. THUNE). There are now 2 minutes equally divided on the Dorgan amendment.

Who seeks time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have spoken previously on this amendment. I will not prolong the debate. This amendment is very simple. It says that our negotiators, in negotiating a new trade round, shall not be allowed to negotiate the weakening of the basic protections in our trade law, antidumping laws, countervailing duties, the protections that protect American ranchers and farmers and businesses and workers. We must stand up for the economic interests of this country.

The reason this amendment is necessary is because it has been widely announced that our negotiators are prepared to agree with others to lay on the table the weakening of our basic protections, such as antidumping laws and countervailing duties. That would injure this country, move more jobs outside of this country, hurt farmers, ranchers, businesses, and workers.

I hope support for this amendment will send a very strong signal to those who are negotiating these trade treaties.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment, No. 1, because Commerce Secretary Gutierrez and Mr. Portman, our Trade Representative, have said they are going to recommend a veto of the bill if the Dorgan amendment is adopted.

Also, I have these organizations that have sent a letter in opposition to the amendment. The organizations include the American Farm Bureau Federation, the American Peanut Product Manufacturers, Inc., the American Soybean Association, the Corn Refiners Association, the Distilled Spirits Council of the United States, the Food Products Association, the Grocery Manufacturers Association, the International Dairy Foods Association, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, et cetera, et cetera—with about eight more I could read.

We have adopted my amendment now. We have a policy that is broad to make sure things are not weakened, but if they want to be strengthened, they can be strengthened, as well, as we don't take a lot of things off the negotiating table. If we are going to be successful in agriculture, we have to have a broad number of issues on the table to get any success for agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

## [Rollcall Vote No. 232 Leg.]

## YEAS—39

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Nelson (FL)
Boxer	Graham	Pryor
Byrd	Harkin	Reid
Chambliss	Inouye	Rockefeller
Clinton	Johnson	Salazar
Coburn	Kennedy	Sarbanes
Collins	Kerry	Shelby
Conrad	Kohl	Snowe
Craig	Landrieu	Specter
Dayton	Lautenberg	Stabenow

## NAYS—60

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Murray
Baucus	Feinstein	Nelson (NE)
Bennett	Frist	Obama
Bond	Grassley	Reed
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Burr	Hutchison	Sessions
Cantwell	Inhofe	Smith
Carper	Isakson	Stevens
Chafee	Jeffords	Sununu
Cochran	Kyl	Talent
Coleman	Lieberman	Thomas
Cornyn	Lincoln	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner
Dole	McCain	Wyden

## NOT VOTING—1

Corzine

The amendment (No. 1665) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENTS NOS. 1719 THROUGH 1721, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments I now send to the desk be considered and agreed to en bloc. These amendments have been cleared on both sides of the aisle.

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

The amendments were agreed to, as follows:

## AMENDMENT NO. 1719

(Purpose: To provide \$5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs)

On page 120, line 24, after the colon insert the following: "Provided further, That of the funds provided under this heading, \$5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs:"

## AMENDMENT NO. 1720

(Purpose: To provide funds for economic adjustment and development to areas impacted by Hurricane Katrina)

On page 147, line 5, strike "\$283,985,000" and all that follows through line 6 and insert the following: "\$483,985,000, to remain available until expended: Provided, That \$200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike "\$30,939,000: Provided" and insert the following: "\$40,939,000: Provided, That \$10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): Provided further

## AMENDMENT NO. 1721

(Purpose: To permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who wilfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term “health-related services”, as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for the purpose of making a unanimous consent request for a piece of legislation that is within my jurisdiction, and then, also, as a favor to another person, to make a unanimous consent request. Before I make that unanimous consent request, I would like to make a short statement, and then have Senator BAUCUS make a short statement before I proceed to the unanimous consent request. May I go ahead?

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

#### EMERGENCY TAX RELIEF FOR HURRICANE KATRINA VICTIMS

Mr. GRASSLEY. Mr. President, on Tuesday night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and other hurricane-hit areas. We are pleased that the Members of the affected region join us in this effort, including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package will help get short-term aid to the hurri-

cane victims by encouraging food donations and the employment of displaced persons, as two examples.

For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus in the committee will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority, and enterprise zone initiatives.

Life will never be the same for our fellow citizens in the gulf region, and what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee, a bipartisan initiative—and I thank Senator BAUCUS for his extreme cooperation, in fact, even leadership in getting this to where it is now—this first initiative—and there are going to be more in other areas where we have jurisdiction—we want the victims in all the affected areas to know they can count on us to create a set of measures that will help return vitality and vigor to the gulf region.

Mr. President, I defer now to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my colleague, Senator GRASSLEY, the chairman of the Finance Committee. We believe that Congress must act quickly. We bypassed the usual committee process. Senator GRASSLEY and I sat down with our staffs and said: What can we do right away to help Katrina victims? What can we do to help the States and get something passed very quickly?

Time is of the essence, clearly. We decided that people needed cash. So we have enacted several provisions in this legislation which allows people to have more cash or ways so they do not have to make payments that otherwise they would have to make.

Second, we are trying to help ease some of the dire housing conditions in the affected areas. We have provisions which allow people to take an exemption for taking in Katrina victims. We think that will help significantly.

We are also helping by giving incentives to employers so they can more quickly hire people and, if they cannot hire them, we are going to make sure we get more dollars into former employees' pockets.

This is a start. We clearly have to do more. I very much hope that later on today we can pass legislation with respect to Medicaid assistance. Senator GRASSLEY and I have been working

very hard in both these areas. In the not too long term, we obviously are going to bring up a package for long-term assistance—enterprise zones, increasing appreciation acceleration, bonding authority—to help rebuild the infrastructure.

I thank Senator GRASSLEY very much for his help. I also thank him very much for helping clear some objections to this bill on the other side. There were two Republican holds on this bill today. I had hoped to bring this bill up this morning and get it passed. We did have some holds. I thank very much the Senator from Iowa for his help in getting those holds released so we can get this bill passed.

I also hope, as I mentioned, we can get the Medicaid bill passed today. This is the week. We have to pass this legislation. We, as Senators, cannot get too wrapped around the axle. We cannot be too concerned about how the I's are dotted or the T's are crossed. We have to act. Congress will meet another day. We can make up differences. We can amend legislation in future days if something is not quite perfect either today or in the next couple of days. Let's not let perfection be the enemy of the good here.

This is good legislation. We are getting this tax package passed. That is good. I very much hope we can get the Medicaid package passed. It is good, too.

I urge all of us to work together and rise to the occasion. This is an emergency. Let's get this legislation passed—not only this package but the Medicaid package as well.

Again, I thank Senator GRASSLEY for working to get those holds on the bill removed so we could get this legislation passed.

I am proud to announce that Saturday is the Senator's birthday. So I hope this will be a good birthday present for the Senator, to get both of these bills passed today so we can, on this coming Saturday, know that a couple days earlier, the chairman of the Finance Committee got legislation passed that did some good for people in the affected area.

Mr. President, I thank the chairman for helping.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously, I thank Senator BAUCUS for the personal comment he made about my upcoming birthday. More importantly, once again, we have had such smooth working relationships on these two very important bills. Our staffs have cooperated very closely. There has been some compromise but not a lot because I think we are all going in the same direction.

Mr. President, I ask unanimous consent, pursuant to the remarks I made and the remarks Senator BAUCUS has made, that the Committee on Finance be discharged from further consideration of S. 1696 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1696) to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

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

Mr. KERRY. Mr. President, I thank Senate Finance Chairman GRASSLEY and Ranking Member BAUCUS for their extraordinary work, to so expeditiously draft this important legislation in a bipartisan manner. This package will provide immediate tax relief to those directly affected by this incredible disaster.

As we have rightfully focused on rescuing, reuniting and rebuilding, we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

More than 40 percent of military reservists and National Guard members suffer pay cut when they are called to defend our Nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over 10,000 of these reservists and guardsmen are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastated. The all-volunteer Army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just can't afford it. This legislation will help businesses do the right thing. The bill will provide an employee retention credit which provides a 40 percent tax credit for wages paid up to \$6,000 after August 28, 2005 and before December 31, 2005. This credit will help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

For the last couple of years, Senator LANDRIEU and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to em-

ployers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. I thank Chairman GRASSLEY and Ranking Member BAUCUS for working with me to include wages paid to eligible reservists and guardsman as part of the employee retention tax credit.

The Hurricane Katrina tax relief legislation helps our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

I am also pleased that this tax package has a set of provisions to encourage charitable giving. We have all been overwhelmed by the generosity and compassion of the American people, who have sacrificed their time and money, sent food and supplies south by the truckload, and even opened up their homes to strangers. This provision will make giving easier, particularly by allowing rollover contributions from IRA accounts.

This legislation is the right thing to do in the face of this disaster. It can help make sure our reservists' families don't have to sacrifice beyond their means while our brave men and women are away from home helping other families. This legislation can make it easier for the incomparable generosity of the American people to continue by easing some restrictions on charitable giving.

Again, I thank Senators GRASSLEY and BAUCUS for their efforts on this package.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that the bill be held at the desk.

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

The amendment (No. 1722) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1696), as amended, was read the third time and passed.

Mr. GRASSLEY. Mr. President, as I said, I have another request I want to do for other Members.

#### SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3649, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment (No. 1723) was agreed to, as follows:

(Purpose: To make technical corrections to Public Law 109-59)

#### SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(e)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c) (4) (A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

The bill (H.R. 3649), as amended, was read the third time and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business.

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

#### HISPANIC HERITAGE MONTH

Mr. MARTINEZ. Mr. President, I was honored to join Majority Leader FRIST in cosponsoring S. Res. 238 recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation. S. Res. 238 passed the Senate by unanimous consent today, September 15, the kickoff of a month-long celebration and observation of Hispanic-American strength and culture in this country.

Diversity truly represents the best of America, a nation where each of us can be proud of our ancestry, our heritage, and our native language, yet a nation

where we at the same time can stand together with our neighbor, regardless of our own background, and all call ourselves Americans.

Hispanic Americans have much to be proud of and much to celebrate. I have said this before, but I am so proud to have been elected the first Cuban American in the Senate. I feel a great weight of responsibility in representing not only the Cuban-American community and the great State of Florida but in a way the entire Hispanic-American community in our country. I know my colleague from Colorado, Senator SALAZAR, must feel the same weight of responsibility. I am very honored to serve in this Senate with him.

As I like to say, in America, when you work hard and play by the rules, anything is possible. This year, Judge Alberto Gonzales was sworn in as our Attorney General.

Alberto Gonzales is the first Hispanic American to ever serve in one of the four elite Cabinet posts in Government—Defense, Treasury, State and Attorney General, which he now proudly occupies. He is an inspiration for our next generation. The second Cuban American to serve in the President's Cabinet also took office this year—Secretary Carlos Gutierrez at the Department of Commerce. I was proud to support both their nominations.

We have made great strides in breaking into the highest echelons of Government. And although I do not want to employ any litmus test of ethnicity, there would indeed be much to celebrate if our next Supreme Court nominee became the first Hispanic-American Justice of the Supreme Court.

Hispanic pride in our heritage has helped many look to their past for strength and use this strength to forge a better future for ourselves and our families in all facets of American life. Our achievements have greatly influenced America's policymaking, its economy, and the medical and artistic fields.

In fact, we should also point out that many Hispanic Americans proudly serve in our Armed Forces during this time of need. In fact, many have given their last measure of sacrifice, while others have suffered serious injuries.

But moving to other fields, now-deceased Cuban-American business leader and former chief executive officer of Coca-Cola Roberto Goizueta climbed the corporate ranks and helped Coca-Cola remain one of the premier brands around the world. Nobel Prize winner Severo Ochoa discovered the process that allows humans to create RNA in a test tube.

My close and personal friend, Congresswoman ILEANA ROS-LEHTINEN, became the first Hispanic-American woman and first Cuban-American to be elected to the U.S. Congress. And within the artistic field, Brazilian artist Romero Britto, whose concern for the youth of the world, combined with social and political sources, has had his work appear in over 60 national and international publications.

Just like throughout the Nation, the Hispanic community within Florida continues to grow rapidly, and our creativity and ingenuity keep contributing to American culture. Hispanic American and owner of NGI Solutions, Martha Korman, is making significant economic contributions to the greater Tampa area.

Puerto Ricans, like Orange County Commissioner Mildred Fernandez, climbed the ranks and is working to encourage homeownership and growth of small businesses in the Orlando region.

Like many other Hispanics, Cuban-American Gus Machado began with nothing but a dream and dedicated himself to his business and his community, making him today the owner of the number one Ford car dealerships in the Miami area. In Jacksonville, FL, Dr. Javier Garcia-Bengochea made his mark as the innovator of several instruments and systems used to improve spinal surgeries.

And in Florida, just this week, a young man named Marco Rubio was named the first Cuban-American Speaker in the Florida House of Representatives, and, I might add, the first Hispanic American. I know that he is going to be a great leader and voice for the State of Florida, and a great role model for our next generation of Hispanic Americans who want to make a difference.

We are proud to be Americans. We gladly stand together with all Americans of all races, creeds, and beliefs in this great country that we call home.

Our goal in observing Hispanic Heritage Month is not to set ourselves apart, but to ask our fellow citizens to join us in celebrating our culture, our heritage, and our achievements.

With great pride we celebrate the pioneers in our Nation and in Florida during this National Hispanic Heritage Month.

We pay tribute to America's diversity and honor the countless contributions Hispanics have made throughout the history of this great country.

And finally, we celebrate the values of the Hispanic-American community—family, faith, liberty, love of this country and love of our roots.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

#### HURRICANE KATRINA

Mr. MARTINEZ. Mr. President, it has been 3 weeks since Hurricane

Katrina came ashore bringing with her a wide swath of damage. Her winds whipped structures to devastation, her rains destroyed thousands of agricultural crops, and, sadly, the force of this storm resulted in death.

While I rise to speak of Hurricane Katrina, I do want to focus my remarks on the devastation this storm brought to the State of Florida. We all know of the devastation on the Gulf Coast States of Alabama, Mississippi, and Louisiana. Before that, Katrina paid a costly and deadly visit to the State of Florida. Florida suffered 14 deaths and over \$1 billion in damages.

The Governor declared a state of emergency and evacuations took place. As you may recall, last year, Florida was visited by four serious hurricanes. By the time Katrina hit, we already had received over 150 percent of the normal rainfall for the year. And more rain brought about a substantial amount of flooding.

Before Katrina came to Florida, we had been visited by, as I said, four hurricanes last year. Over 10 percent of Florida's homes were damaged. The storm displaced tens of thousands of people into shelters, and today over 20,000 Floridians are still living in some form of transitional housing.

The backlog of roof repair is so severe that we are sending our children to schools that are developing mold problems. Whole sectors of our agricultural industry are devastated. Frankly, it will take years to replant and nourish those crops.

I wish to take a few moments to mention that even though the people of my State are still recovering from the effects of Katrina and Dennis and Charley, Frances, Ivan, and Jeanne—even though folks are still living in trailers outside of their homes that have blue tarps on their roofs, Floridians are proudly pitching in to help the people of the gulf coast region.

Sarasota, FL, is sending teams of 140 trained Red Cross volunteers in 2-week cycles and in some cases longer than that. These volunteers are headed to the very areas where evacuees are streaming out. There is no power, no clean water, no hot showers. They are bringing evacuees back with them to Sarasota County—over 300 so far.

Early this week, I had occasion to visit the Red Cross center in Orlando. Over 200 people are volunteering their services there, as hundreds and expected thousands of evacuees are coming into that central Florida area, where they are finding that the hotel industry has made arrangements for them to receive temporary housing in the area of many hotels, and, at the same time, the community is pouring out their love and their care in helping find jobs and dealing with issues of physical as well as mental health, as well as incorporating children into the school system.

The Tampa Incident Management Group has sent 22 members to Hancock County, MS, where they have worked

16-hour days for 7 days. The group included emergency management personnel, firefighters, logistical support, public information officers, police, and crisis counselors. One of the members of the Hardee County EOC, Mr. Richard Shepard, says he felt a responsibility to go to Mississippi because he needed to give something back for all the help he had received last year.

The South Florida Urban Search and Rescue Team, comprised of 80 firefighters from agencies throughout Miami-Dade and Broward Counties, returned home after spending nearly 2 weeks helping Hurricane Katrina victims in the gulf coast.

A group of Bascom Palmer Eye Institute ophthalmologists is heading to Baton Rouge this week aboard the institute's 40-foot Vision Van to treat displaced victims of Hurricane Katrina who have lost eyeglasses and suffered other vision problems because of the storm.

The Panama City Boatmen's Association sent a three-truck convoy to Louisiana and Mississippi. Among the supplies: 150 cases of water, 80 cases of Gatorade, and 10 large bags of dog and cat food because the evacuees said they had something to eat, but their pets were literally starving.

Similar stories can be heard from throughout the State of Florida. Members of our Armed Forces and our National Guard have also answered the call and sought to help. But I want to particularly talk about a Florida resident and Navy pilot, LT J.G. Bale Dalton is a member of Helicopter Sea Combat Squadron 21—the Blackjack Squadron out of San Diego. When the call came through that hurricane relief was needed, his squadron flew helicopters across the country in order to be there in time for them to help. Now his father, who is my dear and long-time friend—currently my general counsel—Skip Dalton, has allowed me to read a little bit from his communications in those first few frantic days.

Writes LT J.G. Bale Dalton, on September 3:

My first flight into New Orleans was incredibly hectic. We went due east from Pensacola, so I was not able to see any of the Mississippi coast. The scene was chaos. Hardly anyone was able to get into the city on the ground, and the water was still rising. Helicopters from all services and even civilians were operating in the area, rescuing people and bringing food and supplies to rally points.

An airborne command and control element P-3 was tasking airplanes as fast as they could, but most often they were not able to give more than a GPS coordinate and a "good luck."

Another entry from September 3:

We were sent to a nursing home to remove what we thought were invalid older people. What we found was a small island of land with a field large enough to land three helicopters around what used to be a nursing home. We moved approximately 50 people—all families that were directed by New Orleans police to that spot.

September 4:

No rest for the weary. After returning to work with about five hours of rest (not sleep, just time from landing to briefing again) we again began to build a picture of what was going on.

People that had been stranded since the day the storm hit were beginning to come out of the woodwork. It was obvious that the first priority was to save people from the rising tides.

I went back into New Orleans later that day with a mission to find fire buckets and begin putting out fires.

Here is another entry from later that day:

We attempted to hoist people from an apartment complex into our helicopter, but were refused when they saw an ambulance a few blocks away that they were going to try to swim to.

Hard to understand for me, but I am sure the thought of being hoisted up on a wire to a helicopter is a scary prospect for most people. We moved from that area to an affected area in the northern part of the city to begin evacuating another group of people gathered by the police. We landed on a tennis court to get these people. They had not had food or water for five days.

I could go on and on with stories of Floridians helping out in the gulf coast, providing relief, aid, assistance, and, as you heard in the case of Navy LT J.G. Bale Dalton, rescuing people from the rising tides. But dramatic as these stories are, they are not unusual. This is what America is all about. If there is a need, Americans are there to help.

Given the impact of the stories and images of the devastation, I understand how our hearts and minds are turned to these current problems. But I am humbly here to ask that we simply do not overlook the fact that there has been a lot of suffering in Florida, that we, too, have suffered significant losses as a result of four very difficult hurricanes last year—an unprecedented number of major hurricanes to hit, crisscrossing the State of Florida—only to be revisited again by Hurricanes Dennis and Katrina this year. The extent of hurricane damage from last year was severe. In fact, we continue to try to dig out from under it.

Affordable long-term housing is one of the serious problems we are facing in Florida not only because of so much housing stock, particularly the affordable type, that was damaged last year, but now with the influx of evacuees into the State, some real long-term problems are beginning to present themselves. I have contacted the President and Agriculture Secretary Mike Johanns. I have talked with FEMA and my colleagues in the Senate. We have received some measure of assistance, but we must continue to look forward to the time when all Floridians will be made whole and when life will begin to be normal again for all Floridians.

Katrina did pay us a devastating visit in the early part of that storm. So while we continue to pour our hearts out to those in the gulf coast, I do have to hope that the people of Florida will not be forgotten, as we seek to make all of the necessary decisions for the relief and recovery not only short term

and medium term, but where Florida is now in the long term, when the needs of long-term housing, the needs of long-term health care problems, the needs of reconstruction of public facilities, such as schools, become all the more necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### FEDERAL COMMUNICATIONS COMMISSION'S REORGANIZATION

Mr. STEVENS. Mr. President, earlier today, the Federal Communications Commission Chairman, Kevin Martin, created a new FCC bureau dedicated to public safety and homeland security functions. The new FCC bureau will be named the Public Safety and Homeland Security Bureau and will handle issues that are currently spread over several separate FCC bureaus and offices. For instance, it will handle enhanced 911 calls. It will handle priority emergency services, an emergency alert system, disaster management coordination, and communications infrastructure protection.

My generation relied on radio. Now all of us have different forms of communications. But there was no uniform communication mechanism such as radio was back in the 1930s or 1940s. Chairman Martin's reorganization recognizes the change in the technologies that can be used for emergency communications.

I commend the FCC, under Chairman Martin, for its leadership in directing the Universal Service Program to play a significant role in rebuilding the communications infrastructure, something that they have announced today also. Since its inception, the focus of the Universal Service Program has been on ensuring that all Americans are connected and able to communicate. As the citizens of Louisiana and Mississippi rebuild and return to their homes, they need to know that they can pick up their phones and make a call, which is why we have universal service. The steps that the FCC announced today, giving priority to rebuilding activities using universal service funds will help both in the short and long term.

The FCC is using these universal service funds temporarily to support wireless handsets, coupled with a package of free minutes for evacuees and people still in the affected area that are without telephone service. The FCC is also helping health care providers and the Red Cross shelters by modifying the health care program to double discounts for public and nonprofit health care providers. The FCC is allowing health care providers to submit new or revised universal support applications—requests for the money—for 2005, since their needs have obviously changed.

On the rebuilding front, universal service will help schools reconnect to the Internet, consumers reconnect to

their phones, and telephone companies to rebuild. Specifically, the FCC is designating schools and libraries struck by the hurricane to receive the highest level of priority under the E-Rate Program for 2005 and 2006. They are allowing schools and libraries serving evacuees to amend their 2005 application to account for the unexpected increase in population. They are using the Link-Up Program to provide support to pay the cost of reconnecting consumers to the network as the disaster-struck area is rebuilt. And they are providing BellSouth flexibility to use high-cost model support to rebuild wire centers affected by the hurricane.

In other words, this is a unique use of universal service funds. It took courage to do so. I am proud to hear of the FCC's willingness to work around the clock to assist companies in the affected areas with needed waivers. I also commend the FCC for its plans to establish the new Public Safety and Homeland Security Bureau. We have all seen the devastation and communications outages caused by the massive flooding and the storm surge.

Certainly, we will have to look at improving our Nation's alert and disaster warning systems as well as our communications interoperability. As chair of the Commerce Committee in the Senate, along with my cochair and good friend, Senator DAN INOUE of Hawaii, I intend to work closely with my colleagues in the Senate and the House, the FCC, and others on these issues. We will pursue permanent solutions. Chairman Martin and the FCC members deserve credit for having acted so rapidly to deal with the disaster-related issues before us today.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Ms. MIKULSKI. Mr. President, pretty soon we will be coming to the last round of amendments to the Commerce-Justice-Science appropriations bill. When he is on the floor, I will thank, publicly and personally, the distinguished Senator from Alabama, Mr. SHELBY. We certainly worked on a bipartisan basis to move this bill, to accomplish national objectives, and to respond to the compelling human and financial needs of our neighbors in the Gulf States. Moving this legislation has been enjoyable because there has been such a spirit of bipartisan co-

operation. Senators have worked on their amendments. They have offered them jointly. In a few minutes, we will be voting on an amendment by Senator SNOWE of Maine and JOHN KERRY of Massachusetts to help small business, particularly, in relation to Katrina. That has been the example throughout.

As the ranking member on this new subcommittee, I hope the spirit of the Senate, in moving forward on this bill, will be the spirit of the Senate all the time. We need more of that. We need more civility. We need more collegiality and more of that spirit of "let's get it done" and "let's get it done together."

There were many issues that were new to me, at least the depth of the national problem. We are all familiar with Katrina. One of the things that came up was the whole methamphetamine issue, which seems to have the country in its grips, to listen to the Senators from North Dakota talk about what it means in a rural State, to listen to other Senators who have come in either with individual projects or with national issues. Again, in a spirit of bipartisanship, Senators DAYTON and CHAMBLISS came in with a request to restore over \$200 million to fight this scourge that seems to be gripping people at all economic levels. The methamphetamine issue has reached epidemic levels. That bipartisan support added money to the budget and added resources for local communities.

Another champion, of course, was the Senator from Washington, Ms. CANTWELL. She offered an amendment for \$20 million on the Hot Spot Program. Where are the real hotspots of meth? We worked with her to adopt that amendment. We thank her and particularly the Senator from Minnesota, Senator DAYTON, the Senator from Georgia, Mr. CHAMBLISS, for being strong advocates. Every other Senator came to me and said: We are glad this is in the bill.

Senator CANTWELL, focusing on the hotspots, sends vital Federal support to law enforcement officers and first responders who are on the frontlines of the meth epidemic. Actually, those crime fighters have a great friend in Senator CANTWELL.

We thank everyone who has helped move this legislation. We are looking forward to moving to final passage. We have two more amendments, and then we will move to final passage. Again, the spirit of the Senate has been wonderful. We are meeting real needs—whether it is Katrina, fighting the methamphetamine epidemic, providing weather services, and so on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a vote on or in relation to Snowe-Kerry amendment No. 1717, with no second-degree amendments in order prior to the vote.

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

Mr. SHELBY. For the information of my colleagues, we are now down to one or two outstanding issues. That is good news in the Senate on a Thursday afternoon. During the next vote, we will try to finalize those amendments. Senator MIKULSKI and I, the managers of the bill, have been working with everybody in the Senate to try to move the bill forward. It is our expectation that we will quickly proceed to passage of the bill. I, therefore, alert all Senators now that they should remain close to the Chamber, following this upcoming vote, hopefully for final passage.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, once again, we are coming now to the final aspects of this bill. We have been able to achieve this because of the wonderful bipartisan support that existed between Senator SHELBY, myself, and our staffs. We want to thank them for doing that. I will thank them as we go into wrapup.

Our colleagues, we thank them again for their cooperation in moving the amendments, working on a bipartisan basis. And now as we go to the Snowe-Kerry amendment and the vote, we ask Senators who have those outstanding amendments to consult with the floor and leadership staff, and ourselves as well, because we think we could have a vote—not promptly but expeditiously—after the conclusion of the Snowe-Kerry amendment.

Again, I say to my colleagues to come, vote, stick around, let's work together, and we can finish our bill. People need this bill. It funds the FBI. It funds Katrina help. It funds the methamphetamine help about which we have been talking, and our very important Weather Service. There are so many provisions in it.

I yield the floor and look forward to the vote.

**AMENDMENT NO. 1717**

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Ms. SNOWE, for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, and Mr. TALENT, proposes an amendment numbered 1717.

(The amendment is printed in the RECORD of Thursday, September 14, 2005, under "Text of Amendments.")

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1717.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	Martinez
Allard	Domemici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Santorum
Carper	Inhofe	Sarbanes
Chafee	Inouye	Schumer
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Dayton	Levin	Voinovich
DeMint	Lieberman	Warner
DeWine	Lincoln	Wyden

NOT VOTING—4

Corzine	Thune
Lott	Vitter

The amendment (No. 1717) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1675

Mr. KERRY. Mr. President, the pending business, I believe, is my original amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, let me say quickly I thank my colleagues, and I thank Senators SNOWE and LANDRIEU and VITTER for their work on this amendment. I think the Senate has made a very important statement today about what can be done and what we need to do to respond immediately to the small business needs with respect to Katrina and people impacted across the country.

This amendment details virtually everything in the Kerry-Landrieu amend-

ment, from disaster loan deferments to financial assistance for small businesses and farmers struggling to afford the high prices of gasoline, natural gas, and heating oil. It expands on assistance to small businesses that have SBA 504 loans for buildings or equipment, or for those who will need them. It includes agreed upon language to make sure the money is appropriated to carry out the assistance. And it retains a critical grant program to the states to get money into the hands of small businesses that need immediate access to capital to stay afloat until they get other more comprehensive loans or insurance reimbursements.

For all the good this amendment will do, I am disappointed that two very important provisions were not included. I am against taking out the funding for the Federal government's largest small business loan program, the 7(a) Loan Guarantee Program, that would reduce fees on borrowers and lenders. Even before the destruction of Hurricane Katrina and its impact on our economy, small businesses were struggling with higher insurance premiums, higher energy prices, and higher prices for capital because of rising interest rates. We should not be adding to their expenses by raising loan fees. As I said yesterday, according to a document from the Small Business Administration, since the Administration raised fees in that program, loans to Hispanics have declined by 14 percent. With Katrina causing problems well beyond the state lines of Louisiana, Mississippi, Alabama, Florida, and Texas, those small businesses need relief too. We asked our colleagues, at the very least, to include language that would reduce fees if the SBA overcharges borrowers or lenders, or if there are excess appropriations. They would not agree. They also eliminated the provision that directed the SBA to assume payments for SBA 7(a) and 504 loans that victims had before the Hurricane but cannot now pay. To help these business owners make ends meet, and to avoid defaults or worse, it is my hope that these small businesses will make use of the provision we put in the amendment that allows them to refinance existing business debt with low-cost SBA disaster loans.

Hopefully, because this bill may well be tied up for a period of time, it may be possible to break this amendment out and add to it a couple of components that were not in it today.

We hope to do that. We obviously will work with both sides to do it in the same bipartisan fashion.

This morning Senator LANDRIEU met with some of the top members of the business community of New Orleans. They are very afraid for those small businesses that have to lease, contract, move, and they are afraid of losing for a long period of time, if not forever, the small business base of their community. What the Senate has done today is to address that need in a very realistic and helpful way. I thank my colleagues for doing so.

With that stated, my original amendment, which we now combined into this one, is no longer necessary. I ask unanimous consent it be withdrawn.

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

Mr. KERRY. I yield the floor, but first let me thank Senator MIKULSKI and Senator SHELBY also for their long forbearance in this effort. I appreciate it.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1678

Mr. LIEBERMAN. Mr. President, I call up my amendment if it has not already been placed in order. It is amendment No 1678.

The PRESIDING OFFICER. Amendment No. 1678 is the regular order.

Mr. LIEBERMAN. This amendment is an attempt to apply an offer of financial relief to victims of Hurricane Katrina in very personal ways to answer the questions that hundreds of thousands of people in the gulf coast region are now asking themselves, by extending current programs or creating a couple of new ones.

Let me be more specific. This amendment would say to folks who suffered this hardship that they can meet their immediate needs for housing and other assistance because we are going to waive the caps and State cost-sharing requirements under the Stafford Program. It would allow survivors of Katrina to cover rent or mortgage payments, if they are suffering financial hardship; that is, by reinstatement of the mortgage or rental program.

It would extend the time that these people can apply for unemployment insurance to 90 days. It would impose a moratorium on obligations for paying student loans and other payments on Federal loans in the immediate aftermath of a hurricane. It would authorize people to take money out of their retirement plans to keep themselves going without having to pay a penalty. And it would extend and expand eligibility for food stamps and WIC programs.

Finally, for victims of Hurricane Katrina and survivors living in the area of hardship, it would extend the bankruptcy protections under current law that would otherwise soon go out of effect with the adoption of the recent Bankruptcy Act.

This is the stuff of enabling people to put their lives back together. It is very human, it is very personal, it is real, and it is very urgently needed.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1706, WITHDRAWN

Ms. MIKULSKI. Mr. President, before we move to the vote on the amendment of the Senator from Connecticut, I ask unanimous consent to withdraw Bingaman amendment No. 1706.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair. I ask for regular order.

AMENDMENT NO. 1678

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

The PRESIDING OFFICER. The pending question is on Lieberman amendment No. 1678.

Mr. ENSIGN. Mr. President, I make a point of order that the Lieberman amendment violates rule XVI.

Mr. LIEBERMAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to this amendment, No. 1678, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1716, 1724, AS MODIFIED, AND 1725

Mr. SHELBY. Mr. President, we have three additional amendments that have been cleared on both sides of the aisle. I send those amendments to the desk, and I ask unanimous consent that the amendments be considered and agreed to, and the motion to reconsider be laid upon the table. This has been cleared with the distinguished Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have no objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1716

(Purpose: To extend the provisions an expiring provision of the Universal Service Antideficiency Temporary Suspension Act)

At the appropriate place, insert the following:

**SEC. —. EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.**

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

AMENDMENT NO. 1724, AS MODIFIED

(Purpose: To reduce fees on loans to small businesses)

At the end of title V, add the following:

**SEC. 5 . SMALL BUSINESS FEES.**

(a) 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 may 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.”.

AMENDMENT NO. 1725

(Purpose: To provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services)

On page 121, line 19, after the semicolon insert “of which not less than \$1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;”.

AMENDMENT NO. 1716

Ms. SNOWE. Mr. President, I rise today along with Senator INOUE, co-chairman of the Committee on Commerce, Science & Transportation, to discuss amendment to safeguard the Universal Service Fund, or USF, the institution that allows rural and low-income Americans to obtain affordable telephone service, allows America's schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits rural health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this amendment today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

Before I go into the merits of the amendment, I want to assure my colleagues that this amendment touches upon an issue that has been in discussion for a long time. In fact, it is almost identical to legislation, S. 241, which I introduced early in the 109th Congress along with, Senator ROCKEFELLER and the chairman and co-chairman of the Commerce, Science and Transportation Committee, Senators STEVENS and INOUE. A total of 41 co-sponsors are on the bill today. Countless telecommunications companies and educational organizations have also endorsed the bill. Moreover, the Senate Commerce Committee held a hearing this past spring to discuss the need for such legislation.

I stand before you today offering this amendment because our time is running out. As I will explain more in a moment, the exemption of the Universal Service Fund from the Anti-Deficiency Act is about to expire. If it is not extended soon, the programs supported by the Universal Service Fund will be in jeopardy.

The amendment today pertains specifically to the Universal Service Administration Company, or USAC, the private, nonprofit corporation that Congress created to administer the

USF. Both this amendment and S. 241 are very similar to S. 2994, a bill that I introduced during the 108th Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from complying with new, arbitrarily imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers' telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC's Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the Federal Anti-Deficiency Act, a law which prevents Government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more or less monthly basis, of moneys derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last year, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections because they had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for 1 year until a permanent solution to this problem was found. Senator ROCKEFELLER and I decided to pursue a 1-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding again. Today's legislation provides a second extension of the exemption until a permanent solution is found.

Clear precedent exists for such an exemption. Numerous other Federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate in this instance because the USF has a funding mechanism different from most Federal programs. The USF functioned very well for many

years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to engraft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another stoppage in E-Rate—and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers' telephone bills.

Last year we undertook a bipartisan effort among members on the committees of jurisdiction in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. The temporary extension that we worked so hard to pass has almost expired. We must extend the exemption 1 more year so that the Universal Service Fund can continue to support rural consumers, schools, libraries, hospitals and low-income households.

Mr. SHELBY. Mr. President, I further ask unanimous consent that following the disposition of the Lieberman amendment, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; provided further that the amendment to the title then be agreed to, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that following the first vote there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, only to say that as we move to the closing of this bill, I want to thank Senator SHELBY and his staff for all the many courtesies. It has been an outstanding way to move this bill.

I do not object to the Senator's request.

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

The question is on agreeing to the motion to suspend the rules for the consideration of amendment No 1678. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "nay."

Mr. DURBIN, I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Carper	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Conrad	Leahy	Specter
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—52

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thomas
Cornyn	Kyl	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 52. Two-thirds of the Senators voting, not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CSTARS

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project being undertaken by the University of Miami: The Center for Southeastern Tropical Advanced Remote Sensing, or CSTARS. This state-of-the-art system will perform real-time analysis from multiple satellites of the ocean, atmosphere, environment and weather around the Gulf of Mexico, Caribbean and the Southeastern U.S.

Every year, Florida and the entire Southeast must prepare itself for hurricane season. People around the Nation and the world have seen the devastation wrought by Hurricane Katrina in Louisiana, Alabama and Mississippi. The images we are seeing daily on television are horrific and greatly disturbing, and we all are hurting for the victims of this tragedy. Last year, four hurricanes hit Florida within 5 weeks, causing billions in damage, which we are still digging out of. Many scientists

predict that we are seeing the beginning of 20 to 30 years of storms of this magnitude.

The information available through CSTARS will greatly enhance our ability to monitor storms and the conditions in which they develop by observing ocean temperatures, wind speed and air pressure. After storms, CSTARS can provide rapid assessments of urban and coastal infrastructure and coastline damage. Programs like CSTARS are vital for states that regularly have to prepare for these storms and recover from the damage left in their wake.

Additionally, CSTARS can assist our comprehension of inland water levels, pollution, vegetation growth, coastal erosion, ocean currents, volcanic activity and much more. It is a deserving program, and I hope that this Senate is able to find the funds necessary to support it.

Ms. MIKULSKI. I say to my colleague from Florida that I understand the importance, to the Gulf states and the Nation, of providing funding for research and analysis of weather systems. The Senator from Florida has been a leader on this issue. While in these tight budget times, we are unable to fund every worthy program, I will continue to work with him to ensure that our Nation has the very best research available to understand hurricanes and other environmental concerns.

Mr. NELSON of Florida. I thank the Senator from Maryland for her knowledge of this issue and her readiness to work with me on it.

VIRGINIA KEY MARINE LIFE SCIENCE BUILDING

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami.

Virginia Key, FL is the home of two important NOAA programs dealing with the oceans and fisheries and the home to the University of Miami Rosentiel School of Marine and Atmospheric Science. Because of their proximity, overlap in focus, and the quality of the research at both NOAA and the Rosentiel School, the two have developed a close, mutually beneficial working relationship.

As the Rosentiel School has grown in prominence it has also grown in size to over 500 professors, graduate students, researchers and staff, and can no longer fit in its current facilities. The school had considered relocating, but moving away from Virginia Key would weaken the relationship between it and NOAA. That is why last year Congress found it appropriate to pass a bill authorizing NOAA to grant land to the University of Miami to construct a new Marine Life Science Center in Virginia Key.

This new center would be home to both the Rosentiel School and NOAA staff, allowing their collaboration to continue and to grow. The research performed on marine habitats, fishery

economics, ocean chemistry and tropical meteorology will be brought together in a modern facility where it can be presented and shared.

Currently, planning is underway to develop this center, and I believe we should assist NOAA and the University of Miami with the design and schematic plans of this joint facility. Once design plans are in place, the University of Miami plans to finance the building construction through non-Federal funds. Once completed, up to 50 percent of the space will be used by NOAA.

Ms. MIKULSKI. It is wonderful to see collaboration between the Federal Government and our Nation's top universities, and we should support those efforts whenever possible. In these tight budget times, it is difficult to fund every deserving project such as this one. I will work with the Senator from Florida so that we can find ways to further partnerships like these.

Mr. NELSON of Florida. I thank the Senator from Maryland for her assistance and I look forward to working with her.

#### PROJECT SAFE NEIGHBORHOODS

Mr. CORNYN. Mr. President, I rise today to voice my strong support for the remarkable crime-prevention results from the President's Project Safe Neighborhoods initiative. We must ensure that adequate appropriations continue to fully support this productive crime-fighting effort.

I am concerned that the appropriations bill we are considering today makes no provision for the State and local grant program of Project Safe Neighborhoods, an important component of the President's initiative, and I am not alone. A number of our colleagues share my concern that this important program for fighting crime in our streets and in our neighborhoods should be funded adequately.

I am pleased that my friend from Alabama, Senator SESSIONS, joins me today. Does the Senator share this concern?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas. In Alabama, we have enjoyed great successes from the implementation of Project Safe Neighborhoods and its State and local grant program for which full funding is important. What would represent sufficient funding for this important program?

Mr. CORNYN. The President requested in his budget \$73,800,000 for State and local grants. And according to the Department of Justice, in order for Project Safe Neighborhoods to continue as a flagship gun crime reduction initiative, the \$73.8 million dedicated to the Project Safe Neighborhoods State and local grant program, is essential.

The State and local grants are critical to the success of the President's Project Safe Neighborhoods program. The grants support the removal from our streets and our neighborhoods of

these criminals who use guns to carry out their crimes.

The idea did not start in Washington. Indeed, the first program of its kind saw enormous success in Richmond, VA, where crime was significantly reduced as gun crime prosecutions increased substantially.

When I was Attorney General of Texas, I joined with then-Governor Bush to launch Texas Exile, modeled after Richmond's Project Exile. This Texas program also met with extraordinary success, providing local prosecutors the funds necessary to get more than 2,000 guns off the streets, and to issue more than 1,500 indictments for gun crimes. This resulted in almost 1,200 convictions during the first 3 years of the program's existence.

When President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. He launched the Project Exile program nationally, providing desperately needed resources to combat gun-related crimes to jurisdictions throughout our country.

In the short time this initiative has been up and running, the results have been astonishing. Project Safe Neighborhoods' prosecution, prevention, and deterrence efforts have helped fuel historical lows in gun crime across America as well as a 30-year low in the violent crime victimization rate. Over the past 4 years, Federal gun crime prosecutions have increased by 76 percent and virtually all of these criminals spend time in prison. For example, 94 percent of those originally charged with a Federal gun crime received prison terms in fiscal year 2004.

The administration has devoted over \$1.3 billion to implement Project Safe Neighborhoods since its inception in 2001. These funds have been used to hire almost 200 new Federal prosecutors dedicated to gun crime and to provide grants to hire approximately 540 new State and local gun prosecutors. The additional Federal funding for these State and local gun prosecutors, as well as the associated community outreach efforts and other initiatives are critical to the success of the program and to the national reduction of violent crime.

As the Senator mentioned, the program as implemented in Alabama has enjoyed significant successes, isn't that right?

Mr. SESSIONS. That is absolutely right. In fact, in 2002, all of the U.S. Attorney's Offices in Alabama kicked off Alabama ICE, which stands for Isolate the Criminal Element. It is a partnership among Federal, State, and local law enforcement officials designed to help get guns out of the hands of convicted felons.

As an example, the number of indictments for the Middle District of Alabama is expected to reach 110 by the end of this fiscal year, up from 15 in 2001. The program allows law enforcement to charge convicted felons with

felonies through the Federal court system if found in possession of a gun, or in possession of a gun during violent or drug trafficking crimes. If charged at the State level, a convicted felon would likely be charged with a misdemeanor if found in possession of a gun.

And the results have been exceptional. As I said, Alabama ICE was first implemented in Alabama in April 2002. During the first 11 months of 2003, the number of violent crimes in Montgomery showed significant decreases. Criminal homicides decreased 45 percent, robberies 10 percent, aggravated assaults 16 percent, and domestic violence aggravated assaults 43 percent.

I know the Senator must have countless examples from his home State of Texas; isn't that right?

Mr. CORNYN. Examples from my home State of Texas clearly demonstrate that Project Safe Neighborhoods is working. Consider:

The Northern District of Texas has shown a 31 percent increase in the number of Federal gun cases opened in 2004 over 2003. The Project Safe Neighborhoods Task Force continues to work harmoniously and effectively in contributing to the reduction of gun-related crimes citywide and in the targeted neighborhoods.

PSN prosecutions in the Northern District of Texas have targeted some of the worst gun offenders, and have resulted in safer neighborhoods within the district. For example, in August 2002, the Dallas Division coordinated a long-term gang investigation under the PSN Program with the ATF and the Dallas Police Department. The investigation resulted in two separate indictments charging 18 gang members with being involved in a drug trafficking conspiracy, crack cocaine, along with other street gang members.

And the efforts of the Western District of Texas to energize Project Safe Neighborhoods through effective partnering with State and local law enforcement are demonstrated most clearly by their impressive prosecution statistics. They have seen a 74 percent increase in prosecutions from fiscal year 2000 to fiscal year 2004, and a 13 percent increase in the past fiscal year.

That is why I am so concerned that there was no funding included in this appropriations bill. While I appreciate any effort this body might take to embrace fiscal discipline, I question the efficacy of choosing to eliminate a program that is saving thousands of lives nationwide as opposed to many other less critical projects and programs.

I am pleased the senior Senator from Alabama, who has been working so hard on this Commerce-Justice-Science appropriations bill is here with us. I ask Senator SHELBY, is this something that he believes we can work to resolve in conference given the difficulty in making changes at this time?

Mr. SHELBY. I would like to thank the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their

concerns. This program, as with many programs for which we struggle to find adequate funding, is important. This program received no appropriation in the fiscal year 2005 conference report. I understand related funding has been appropriated in the House CJS bill and I will work to address the concerns of my colleagues as the appropriations process moves forward.

Mr. SESSIONS. I would like to thank my friend from Alabama and I offer any assistance that I or my staff can give as you work on this important issue for us.

Mr. CORNYN. I would like to thank my colleagues. The Project Safe Neighborhoods program serves as a model of coordinated Government efforts, with Federal, State and local governments sharing the burden of prosecuting criminals and coordinating their resources to do so. At a time when some Federal agencies are struggling to coordinate efficiently with State and local governments, the Project Safe Neighborhoods program serves as a model of efficiency and effectiveness.

I appreciate that Senator SHELBY points out that the State and local grant program received no appropriation in fiscal year 2005, an unfortunate reality that gives me even greater concern about the future of the Project Safe Neighborhoods program. It is now even more critical that in conference we find the funds necessary to continue this program that so clearly has reduced rates of violent crime and victimization across our country.

NATIONAL WATERBORNE DISEASE RECOGNITION AND DISASTER PREPAREDNESS PROGRAM

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from Maryland who serves as the ranking member of the newly formed appropriations subcommittee on Commerce, Justice, and Science, in a colloquy regarding a program of national importance, and its inclusion in the fiscal year 2006 CJS appropriations bill. I thank my friend for her service in this body and for her tireless and passionate work on this bill. I particularly want to thank her for showing support for several projects of significant importance to New York State. The aftermath of Hurricane Katrina has left much of the gulf region under toxic floodwaters. I would like to secure funding for a National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center in Elmira, NY. This waterborne disease recognition program has been funded by the EPA for the past 3 years but was not included in the President's fiscal year 2006 budget. Funding for this important program through NOAA will be essential for ongoing disaster relief efforts in the gulf region, as well as preparedness efforts for future natural disasters or water terrorism events.

It is obvious that there will be long-term medical and public health challenges ahead for the gulf region resulting from the massive water contamina-

tion event associated with Katrina. The medical risks for the gulf residents and first responders will include gastrointestinal syndromes resulting from waterborne exposure to biological agents such as Hepatitis A, E. coli from fecal contamination, and waterborne parasites. Exposure to a diverse array of toxic chemical contaminants from industrial sites, oil and gas installations, and household chemicals may lead to long-term health effects yet to be determined. This National Waterborne Disease Recognition and Disaster Preparedness Program is a one-of-a-kind program that has a proven track record of delivering high-quality, cost-effective educational interventions to communities throughout the United States, addressing waterborne disease recognition, natural disaster preparedness, and water terrorism readiness.

Ms. MIKULSKI. We have all become aware of the dangers of exposure to contaminated water and the health risks to residents, first responders and volunteers. Many challenges lay ahead, as flooded gulf communities continue to pump out this contaminated water as we speak.

Mr. SCHUMER. The National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center is uniquely situated to address these challenges. This program will assist Federal disaster response efforts by providing technical assistance to the Department of Homeland Security, the EPA, CDC, and Department of Defense regarding water quality management, waterborne diseases, and the health effects of water contamination. It also provides educational training and support for local and regional healthcare providers to enhance accurate diagnosis and management of people with exposure to waterborne agents. I am hopeful that as the CJS appropriations bill moves forward that we may work together to see if this important issue can be addressed in conference.

Ms. MIKULSKI. I thank the Senator from New York for bringing this program to my attention and I will work with him to find ways to further this important program.

NOAA'S NATIONAL WEATHER SERVICE

Mr. NELSON of Florida. The people of Florida and the nation owe NOAA's National Weather Service a debt of gratitude for their work last year predicting the four hurricanes that hit Florida and the southeast and this year for their work predicting Hurricanes Dennis and Katrina. The National Weather Service website had more than 9 billion hits during the four storms last year. That site provided vital information to the people of Florida as they prepared their homes and evacuated their families from the path of the hurricanes. For these reasons, I want to thank the distinguished chairman and ranking member of the Commerce-Justice-Science appropriations bill, Senators SHELBY and MIKULSKI, for working with me to ensure that the

National Weather Service's ability to continue to provide the American people with weather forecasts and warnings through the internet and other sources will not be undermined or limited. I agree with the chairman of the Senate Subcommittee on Disaster Preparedness and Prediction, Senator DEMINT, that the National Weather Service deserves an "A" for its predictions about Hurricane Katrina.

Mr. SHELBY. I agree with the Senator from Florida. NOAA's National Weather Service has the unique expertise and responsibility to provide the nation with general weather and flood warnings and forecasts to protect life and property. The National Weather Service shall have the continued flexibility to disseminate these warnings and forecasts in all formats necessary to ensure timely delivery to the taxpayers. Furthermore, I want to commend the National Oceanic and Atmospheric Administration for their exceptionally accurate Katrina forecasts.

Ms. MIKULSKI. Let me be clear, I am absolutely opposed to efforts to privatize the weather service. The National Weather Service must continue to provide forecasts and warnings through its website and other sources without limitation. The National Weather Service provides critical information to our citizens and saves lives and livelihoods and it must continue to do so.

NATIONAL SCIENCE FOUNDATION

Mr. ENSIGN. Mr. President, as a fiscal conservative there are very few areas in which I believe Federal funding should be increased. One of those few areas, however, is that of the National Science Foundation.

Funding of the National Science Foundation should be a national priority.

Congress established the National Science Foundation in 1950 with the broad mission "to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense." In this capacity, NSF plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our Nation.

Basic research supported by NSF in chemistry, physics, nanotechnology, genomics, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years.

For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Research supported by NSF accounts for approximately 40 percent of non-life-science basic research at U.S. academic institutions while representing less than 4 percent of the Federal funding for R&D. Support for NSF's efforts to fund basic research is particularly important due to the impact of such research on innovation and global competitiveness.

To remain globally competitive in the 21st century, the United States must continue to lead the world's innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages and a higher standard of living. While innovation is the key to the future, basic research is the key to future innovation. And today, the future of basic research appears vulnerable.

Over the last 30 years, Federal funding in support of basic research has remained flat in constant dollars and decreased by 37 percent as a share of GDP. Especially given increased competition from nations like China and India, failure to support the NSF and basic research creates a serious long-term risk for our nation. U.S. competitiveness in global markets and the creation of good jobs at home rely increasingly on the cutting edge innovation that stems from high-risk basic research. U.S. technological leadership, innovation, and jobs of tomorrow require a commitment to basic research funding today.

Congress approved and President Bush signed the National Science Foundation Authorization Act of 2002. That Act authorized funding for NSF at appropriate levels, but funding for NSF has consistently lagged behind the amounts authorized. In fiscal year 2005, NSF received funding that was approximately \$2 billion less than authorized. In fiscal year 2006, we are considering funding NSF at levels approximately \$3 billion less than authorized.

As we consider funding priorities on the CJS bill and in the future, I urge the chairman, ranking member, and my fellow colleagues to make it a priority to fund NSF and to support increased basic research.

Mr. SHELBY. Mr. President, I thank my colleague from Nevada and recognize the importance of the basic research done through NSF. I share his interest in basic research funding and look forward to working with him to strengthen our Nation's capabilities through basic research.

Mr. ENSIGN. I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting the basic research done at NSF in our country.

#### STEM EDUCATION FUNDING

Mr. SALAZAR. Mr. President, I am deeply concerned about the status of science education funding in the Commerce, Justice, and Science appropriations bill. I commend Chairman SHELBY and Ranking Member MIKULSKI of the Commerce, Justice, and Science Appropriations Subcommittee for their hard work on this bill. With full recognition of the challenging task they have faced in ensuring adequate funding for so many needed projects, I am compelled to take a moment to address a growing crisis in America.

The educational programs for the STEM disciplines—science, technology, engineering, and mathematics—are es-

sential for America's future competitiveness and are severely underfunded. As a result, America's STEM education is falling behind. United States international test scores in science and mathematics remain unacceptably low. At the same time, countries in Europe and Asia are investing crucial resources into their own research and education infrastructure to ensure future world market success. These factors combine to make American businesses look to move overseas for high-tech workers, outsourcing our jobs and our competitiveness.

This problem is multi-faceted. We have to provide today's teachers with the skills and materials they need to teach these disciplines well. We have to attract new teachers to the field—the teachers of tomorrow. We have to research ways to teach science and math to find out how this material is best learned and how interest in these fields is best promoted. It is in the best interest of our Nation to address each of these issues and it will require a greater investment on the part of our Federal Government.

Unfortunately, in too many ways, we seem to be pointed in exactly the wrong direction. I find it especially troubling that the National Science Foundation's Education and Human Resources Directorate has seen significant setbacks in the fiscal year 2006 proposed budget.

The Math and Science Partnership Program, which awards competitive grants to build a bridge between higher education and K-12 math, science, and engineering educators has achieved excellent results and has endeavored to improve learning in mathematics and science for all K-12 students. For fiscal year 2006, we are seeing this highly successful program slowly phased out of NSF. I would like to thank the chairman and ranking member of the committee for providing an additional \$4 million above the request by the President, but also note that in the past 2 years more than half of the funding for this program has been cut, from \$139 million 2004 to the \$64 million proposed in this bill for fiscal year 2006.

Furthermore, the Research, Evaluation, and Communication, REC, division, which works to increase the number of students obtaining college degrees in STEM and to support educational research projects on college degree attainment in STEM, has also been cut. Results from REC research areas such as physics education have led to teaching methods that more than double the information learned and retained by our college students when compared with traditional methods. But REC has been cut from \$60 million in 2005 to a mere \$33.8 million in this proposal.

These are just a few examples, but it is not the entire story. Taken as a whole these cuts are extremely troubling because they will have long-lasting impacts.

I ask that both the chairman and the ranking member of the Commerce, Jus-

tice and Science Appropriations Committee work to protect and increase STEM education funding in conference.

This is not a partisan issue. It is the future of our country and the success of our children that concerns me, and, I trust, concerns my colleagues as well.

Ms. MIKULSKI. Mr. President, I share the views of my colleague from Colorado. Money is tight, but our future competitiveness as a nation hangs on our ability to educate our future scientists and engineers.

It is important to make sure that we encourage our children to take interest in science, technology, engineering and math. It is important to make sure we provide our teachers with the appropriate tools and training so our children will keep that interest. And it is important to research how our students learn science, and to research the best ways to teach them these disciplines.

I would like to see science education funding returned to at least last year's levels and will work toward that goal in conference.

I respectfully join the Senator from Colorado and also ask the Chairman of the Commerce, Justice, and Science Appropriations Subcommittee to help me reach that goal.

Mr. SHELBY. Mr. President, I thank my colleagues from Colorado and Maryland and recognize the importance of their interest in funding science education. I share their interest in supporting education funding at NSF and will work to find opportunities for science education funding during conference.

Mr. SALAZAR. Mr. President, I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting and improving science education in our country.

#### AERONAUTICS FUNDING

Mr. ALLEN. Mr. President, I would like to engage my colleague, Chairman SHELBY in a colloquy on the state of our government's funding for aeronautics research and development and the importance of the discipline to our Nation's national security and economic competitiveness.

Mr. SHELBY. Mr. President, I would be happy to do so.

Mr. ALLEN. As my colleague from Alabama may know, aeronautics research at NASA has played an integral role in our country's unrivaled military air power and until recently, our dominance of the commercial aviation market. Specifically, NASA engineers have developed innovations such as shaping for stealth; multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology. These breakthroughs have contributed to American security and economic prosperity.

Mr. SHELBY. Mr. President, I understand Senator ALLEN has had a long-

time interest in this issue and appreciate the point he is making with regard to the benefit of aeronautics research and development to our national defense and our economy.

Mr. ALLEN. I thank my colleague and would further argue that aeronautics is a vital and important science to our country. The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35 percent higher than the average income in the U.S. Further, despite a recent decline in market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade.

Mr. SHELBY. I would tell my colleague I agree that we must find ways to support sciences and disciplines that contribute positively to the United States trade relationship with its partners.

Mr. ALLEN. Yet, even as our national security and economy are dependent on the breakthroughs in aeronautic research and developments, in recent years, NASA has significantly reduced its investment in this vital science. The administration's 2006 budget proposes to cut over \$700 million out of NASA's aeronautics budget over the next 5 years. That will reduce the effective levels of NASA's aeronautic investment to about half the level it is today—and today's level is about half the level which existed—adjusted for inflation—that the U.S. made just a decade ago.

Moreover, the President's budget called for eliminating NASA's entire "vehicle systems" program—the very initiative that over the last five decades has provided major technology advances that have been used on every major civil and military aircraft over that period of time.

The last two administrations have consistently reduced NASA's aeronautics funding and allowed a valuable competency and the human resource to atrophy and now the U.S. is second to the Europeans in aircraft sales.

I would like to point out that there have been a number of well researched, thoughtful reports on the importance of aeronautics research to our economic and national security. The National Institute of Aerospace recently released a comprehensive study that outlines priorities and funding requirements to meet the challenges we face from foreign competition and realize the innovations and breakthroughs of the future. Specifically, the report finds that NASA's aeronautics budget requires an average 5-year increase of \$885.5 million over the fiscal year 2005 levels. This proposed budget would bring NASA's aeronautics programs back to 1998 levels when factoring inflation. Further, the NIA report finds that NASA is uniquely suited to carry out this kind of research, given its vast infrastructure and world-class. Importantly, the report follows by noting that the outcome of aeronautics re-

search adds to the nation's wealth, not to any particular aviation company.

I understand we are not going to make those types of commitments in the fiscal year 2005 Commerce, Justice and Science Appropriations bill. However the House version of this measure includes some additional funding for aeronautics programs within NASA. The House provision would appropriate \$54 million above what the President requested in his fiscal year 2006 budget recommendation to the Congress. This relatively small increase would maintain aeronautics funding at levels appropriated in fiscal year 2005.

Mr. SHELBY. Mr. President, I am aware that our House counterparts have appropriated funding for NASA aeronautics programs at the fiscal year 2005 levels.

Mr. ALLEN. I would respectfully request that Chairman SHELBY and the other Senate conferees to this bill give all due consideration to the arguments we have made today and to the possibility of adhering to the House provision on fiscal year 2006 for NASA's aeronautics programs.

Mr. SHELBY. I say to Senator ALLEN that I will give every consideration to his request when we begin conferencing this bill.

Mr. ALLEN. I offer my sincere appreciation for Chairman SHELBY's willingness to work with me on this issue which is vitally important for America's security and leadership in aeronautics innovation. He has been accommodating to my concerns and creative in trying to find a way to address our country's aeronautics needs for the coming fiscal year.

Mr. SHELBY. I thank my colleague for his interest in this legislation and his work on this issue.

Mr. ALLEN. Thank you Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to offer a few observations with respect to Stabenow amendment No. 1688 to H.R. 2862, which was accepted by the Senate yesterday, as modified, and elaborate on why I supported this amendment.

As my colleagues well know, I have long supported the legalization of prescription drug importation in this country. In fact, I have sponsored a bill to legalize the importation of prescription drugs. That bill is S. 334, the Pharmaceutical Market Access and Drug Safety Act of 2005. I want to thank Senators DORGAN, SNOWE, KENNEDY, and MCCAIN for working with me to carefully develop legislation that I could fully support. I worked very closely with my colleagues to draft S.334 in way that does not create any litigation risk with respect to any of our trade agreements. We achieved that in S. 334. I believe S. 334 is fully consistent with the terms of our trade agreements, including our agreements with Singapore, Morocco, and Australia.

The Stabenow amendment is not limited to pharmaceutical patents. That

concerns me. I believe the international trade obligations of the United States allow us to apply a special rule of patent exhaustion to pharmaceutical patents as long as we respect the principles of national treatment and most-favored-nation treatment. I hope that the Stabenow amendment will be further refined in conference so that its scope is limited to pharmaceutical patents.

By legalizing the importation of prescription drugs we will increase competition and keep the domestic pharmaceutical industry more responsive to consumers. Drug companies will be forced to reevaluate their pricing strategies, and American consumers will no longer be forced to pay more than their fair share of the high cost of research and development for new innovative pharmaceuticals. Prescription drug importation legislation has been stalled in Congress for far too long. My support for the Stabenow amendment is intended to help kickstart the legislative process, so we can pass prescription drug importation legislation without any more delay. The American people deserve no less.

Mrs. STABENOW. Mr. President, I rise today to thank Senators SHELBY and MIKULSKI and their staff for their aid in including an amendment that my colleague, Senator VITTER, and I offered. I also am pleased that Senators DORGAN, MCCAIN, DURBIN, LEVIN, SCHUMER, FEINGOLD, KOHL, and SNOWE cosponsored this amendment.

Our amendment simply matches a provision in the House's appropriation bill that prohibits the US Trade Representative from inserting anti-drug-importation language into free trade agreements. Our provision will remove a huge obstacle to creating a meaningful drug importation plan.

One of yesterday's headlines was that the cost of health insurance for working Americans climbed 9.2 percent this year, far outpacing both general inflation and workers' pay increases, according to a nationwide survey by the Kaiser Family Foundation.

On average, health insurance for a family cost \$10,880 this year, with the employer paying \$8,167 and the worker \$2,713, the survey found. The total cost almost exactly matches the total annual earnings of a person working full time at the minimum wage, the survey noted.

One of the key drivers of health care is the cost of prescription drugs. Rising drug costs place a huge financial burden on all Americans: from our senior citizens on fixed incomes, to working families without insurance, to small businesses with high health plan costs, to hospitals struggling to stay afloat, to states grappling with Medicaid drug costs. In April of this year, AARP reported last week that wholesale prescription drug costs rose an average of 7.1 percent last year. There is no way that our health system, our citizens, our government, and our taxpayers can continue to endure these increases year after year.

And these rising costs have an enormous health consequence for us, too. Prescription drugs are not like other products. They can do wonderful and amazing things but only if you can afford them. We might be able to make do and not buy a new pair of shoes, but we cannot off our medicine.

Because my home State borders Canada, I know what a difference reimportation has on people's lives. For years, I have joined my fellow Michigianians on their bus trips to Canada for medicine. What I discovered on my bus trips was almost unbelievable. Across Michigan's three bridges to Canada, my constituents have been able to buy safe, FDA-approved drugs at a fraction of the cost. For example, the cholesterol-lowering drug Lipitor is about 40 percent less; ulcer medication Prevacid is 50 percent less; and anti-depression medication Zyprexa is 70 percent less.

Today, the majority of Americans recognize that drug importation is a fair trade issue. They know that drug makers already bring drugs manufactured in other nations back into the U.S. And FDA inspectors go all over the world to inspect manufacturing lines that will produce drugs that ultimately will be brought into the U.S. I think many Americans would be surprised to learn that their drugs might be made in China, India, or Slovakia. In fact, one quarter of all drugs consumed by Americans were made in other nations and brought into the U.S.

But unfortunately for the millions of Americans who are struggling to afford their medication, PhRMA also has recognized that drug importation is a trade issue. According to its lobbying disclosures, PhRMA has actually lobbied the U.S. Trade Representative, our government's top international trade official, more than it lobbied the FDA, which directly oversees the industry's products. The Center for Public Integrity reported that PhRMA has contacted USTR more than any other lobbying organization.

That lobbying has paid off. Provisions in three different Free Trade Agreements with Singapore, Australia, and Morocco have created new patent rights for prescription drugs that would make it a violation to import drugs from those nations. Although none of the drug importation bills pending before the Senate propose importing drugs from all of those nations, these provisions are setting a dangerous precedent.

USTR has testified before Congress that new legislation on drug importation "could give rise to an inconsistency between U.S. law and a commitment under this trade agreement."

Worse, we are also hurting the ability of citizens in other nations to produce generic drugs. CAFTA contains language that will dramatically limit millions of patients' access to these low-cost, high-quality alternatives. In many Central American nations, brand-name drugs cost 22 times more than their generic equivalents.

This has already caused unrest. For example, HIV/AIDS patients in Guatemala have demonstrated against changes in their nation's generic-drug manufacturing laws as a result of CAFTA. Does this make any sense when we are trying to push for more resources to fight global AIDS?

Senators VITTER, MCCAIN, and I introduced a bill in July that would prohibit such unfair language as well as make sure that consumer voices—our voices—are heard in free trade negotiations regarding pharmaceutical issues. This bill has been endorsed by numerous groups including Consumers Union and the Center for Policy Analysis on Trade and Health.

The amendment accepted yesterday merely says that USTR should not adopt language creating obstacles to drug importation. The Stabenow-Vitter amendment is a fair compromise. We need to have an open discussion about drug importation—it shouldn't be decided for us as a provision in an unamendable trade agreement.

This amendment is not an attack on intellectual property or enforcing trade agreements. I am very concerned about enforcing our patents and ensuring other nations respect our companies' intellectual property. In fact, I am a cosponsor of Senators SPECTER and LEAHY's legislation on intellectual property.

Nothing in this amendment would preclude USTR from negotiating strongly-worded trade agreements that would protect and preserve our nation's patents and intellectual property. But surely USTR can negotiate and fight for language that isn't a back-handed way of blocking drug importation.

We know that, if given the chance, we can pass a good drug importation bill with bipartisan majorities in both houses of Congress. The bill that I have co-sponsored with Senators DORGAN, SNOWE, MCCAIN, and others would reduce total drug spending in the U.S. by about \$50 billion over the 2006-through-2015 period.

But if USTR continues to insert provisions against importation into our trade agreements—agreements that are supposed to help American consumers—then our hard work will be for nothing.

The drug makers have a complete monopoly on those prescription drugs. No one else—doctors, pharmacists, patients, and employers—has the same opportunity to purchase those FDA-approved drugs at low prices. Again, only the drug makers can bring in these safe, FDA-approved drugs. We need to change this policy.

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for tireless leadership in the fight against meth. Methamphetamine abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement

an important ally. Accepting her amendment to add \$20 million to the hotspots program brings funding for meth State and local enforcement to \$80 million. Coupled with the bipartisan addition of \$43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle. Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responder on the front lines of the meth epidemic everywhere. These crimefighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciated her work to improve this bill, as do countless law enforcement officers across America.

Mr. President, as part of H.R. 2862, the fiscal year 2006 Commerce, Justice, Science Appropriations bill, the Senate has included comprehensive relief assistance for small business harmed by Hurricane Katrina. I am glad we were able to come to agreement on a bipartisan package and I thank Senators SNOWE, KERRY, VITTER and LANDRIEU for their work and for ensuring that we could move forward to pass these provisions so vital to small businesses in the Gulf Coast. One of the key differences between the Snowe-Vitter and Kerry-Landrieu amendments was that the latter included appropriations for the 7(a) Loan Guarantee Program. Our support of the compromise Hurricane Katrina small business package should not be interpreted as our taking a position today on whether to include appropriations for the 7(a) Loan Guarantee Program. While we were not able to address the 7(a) program today, I am aware that there is \$79 million included in the House version of our bill for the 7(a) program and that we will be addressing this issue in conference. I look forward to working with my colleagues to ensure that the 7(a) program continues to provide access to capital to small businesses across the Nation.

Mr. President, we are now coming to the end of our bill. We thank the leadership for all the help and support they gave us, and also working with the Judiciary Committee to accommodate their schedule.

This is the first time this subcommittee has come out with a bill. We are a newly constituted committee. I have had the chance to work with someone I had worked with in the House. Chairman SHELBY and I worked together in the same committee in the House of Representatives. Now we are together in Appropriations. I thank him for working with me in such a collegial and consultive way.

Also, his staff is outstanding: Katherine Hennessey, Jill Long, Nancy Perkins, Art Cameron, Allen Cutler, Shannon Hines, and Ryan Welch.

I also thank my staff: Paul Carliner, Kate Fitzpatrick, Gabrielle Batkin,

and Alexa Sewell, who is not here today because she has a new baby.

So I thank everyone because I think we are about to pass a good bill. I think the Senate can be very proud of this bill because we support law enforcement at all levels in our communities. We support technology and development and scientific discovery. And working with agencies such as the National Weather Service, we save lives and livelihoods.

So I am ready to move to final passage and, once again, express my appreciation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be brief. We are getting toward the end.

I am pleased we have completed consideration of this 2006 Commerce-Justice-Science appropriations bill. This is not an easy bill, as everyone knows. With such broad jurisdiction, this bill attracts a lot of attention—sometimes too much—on the Senate floor and throughout the process.

It is our job—Senator MIKULSKI's and mine, with the help of leadership on both sides—to ensure the bill addresses my colleagues' concerns and effectively supports the operations of its Federal agencies. We have tried to do this. I think we have.

I thank my colleagues for understanding this and for working with us to ensure the viability of this bill, both here in the Senate and in conference.

I believe overall this is a good bill. It reflects the priorities of this body, and it addresses the needs of the Nation. Some needs are now more urgent than others, as we know in the wake of Hurricane Katrina, and we have and will continue to make adjustments in the Small Business Disaster Loan Program, the Economic Development Administration's Public Works Grants, and the National Oceanic and Atmospheric Administration's hurricane-related programs.

We will take this bill to the House of Representatives in conference. We have only a short time left in the year, as the leader keeps telling us. We will do our best to get a conference report to the President as soon as we can.

I also offer my thanks to the distinguished Senator from Maryland, Ms. MIKULSKI, for all of her work and the work of her staff. We have worked together for years. Without us working together in a bipartisan spirit, we would not be where we are today. She and her staff have worked with our side of the aisle in a truly bipartisan manner, and it is reflected in the bill.

I also thank Senator COCHRAN, chairman of the full committee, for all of his work and advice. It has been appreciated. I also thank the leaders, Senators FRIST and REID, and the floor staff, especially Dave Schiappa, Bill Hoagland, and my staffer, Katherine Hennessey, and others. They did an excellent job helping us move this bill along, and we are in their debt.

I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a very few seconds we will proceed to passage of the CJS bill. I congratulate the two managers for the outstanding job they have done, Senators SHELBY and MIKULSKI. They patiently stayed on the floor day and night working through the amendments. We thank them for their efforts. It has been a matter of a lot of patience, in part due to the coordination with the Judiciary Committee and those hearings. In a few moments after passage of the bill, we will be turning to the Agriculture appropriations bill. The managers are here. They will be making their opening statements, but we will not have roll-call votes later today. Tomorrow we have an important congressional delegation traveling to the Gulf States. In addition, we have a delegation attending a celebration for the national day of prayer and remembrance. Therefore, we will not be in session on Friday. We will return on Monday. We will have a vote Monday, late afternoon, at approximately 5:30. We will alert all Members when that vote is locked in.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 235 Leg.]

Akaka	Burns	Craig
Alexander	Burr	Crapo
Allard	Byrd	Dayton
Allen	Cantwell	DeMint
Baucus	Carper	DeWine
Bayh	Chafee	Dodd
Bennett	Chambliss	Dole
Biden	Clinton	Domenici
Bingaman	Cochran	Dorgan
Bond	Coleman	Durbin
Boxer	Collins	Ensign
Brownback	Conrad	Feingold
Bunning	Cornyn	Feinstein

Frist	Levin	Salazar
Graham	Lieberman	Santorum
Grassley	Lincoln	Sarbanes
Gregg	Lugar	Schumer
Hagel	Martinez	Sessions
Harkin	McCain	Shelby
Hatch	McConnell	Smith
Hutchison	Mikulski	Snowe
Inouye	Murkowski	Specter
Isakson	Murray	Stabenow
Jeffords	Nelson (FL)	Stevens
Johnson	Nelson (NE)	Sununu
Kennedy	Obama	Talent
Kerry	Pryor	Voivovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Lautenberg	Roberts	
Leahy	Rockefeller	

NAYS—4

Coburn	Inhofe
Enzi	Thomas

NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The bill (H.R. 2862), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. SHELBY. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The Senate insists on its amendments, requests a conference with the House, and the Chair appoints Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD conferees on the part of the Senate.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has approved H.R. 2862, the fiscal year 2006 appropriations bill providing vital funding for the Departments of Commerce and Justice and related agencies. I am, however, disappointed about the fact that this bill underfunds some important priorities. I am also disappointed that the Senate rejected several worthy amendments that would have improved this bill and helped to meet our obligations to the victims of Hurricane Katrina.

Whether we call police officers "law enforcement" or "first responders," I believe that Congress, in partnership with States and local communities, has an obligation to provide State and local law enforcement with the tools, technology, and training they need to protect our communities. I am deeply concerned about proposed cuts in Federal funding programs for our nation's law enforcement officers. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing and Problem Solving, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also support funding for the Byrne grant

program, which provides funding to help fight violent and drug-related crime, including support to multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamines.

Unfortunately, not everyone sees it that way. Once again this year, the administration's budget proposal would have drastically cut the COPS Program, and would have eliminated all funding for the Byrne grant program. I have already supported efforts to restore this funding through the budget process, and am proud to continue to fight in the appropriations process to make sure that state and local law enforcement receive the Federal grants that they need and deserve. We should be doing more, not less, to support our local law enforcement. In particular, I was proud to support Senator BIDEN's amendment that provided additional COPS funds for the hiring of local police officers, an aspect of the COPS Program that has been dramatically cut back. The amendment also would have provided \$19 million to help find children displaced by Katrina and reunite them with their families, and to support victims of domestic violence and sexual assault affected by Katrina. I regret the Senate's decision to reject this amendment.

On the other hand, I am pleased that an amendment offered by Senators DAYTON and CHAMBLISS to increase Byrne/local law enforcement block grant funding by \$275 million was accepted. This amendment, which I cosponsored, restores funding for these important programs to fiscal year 2003 levels, and I hope it will be retained in conference.

While I strongly support the efforts of Senator STABENOW to address the need for first responders to have interoperable communications capabilities, I could not support her amendment. My colleague from Michigan rightly notes that making sure that all of our first responders can communicate with each other must be a priority for our Nation, and I admire her efforts to advance this cause. However, 4 years after September 11 tragically highlighted this vitally important issue, we still do not have unified national interoperable communications standards. Without these standards, there is no guarantee that a new \$5 billion grant program for equipment would create the interoperable communication system we need and that our first responders and communities deserve. When spending such massive amounts of money and such a large percentage of all first responder funding on this new program, we must make sure that we are spending the money wisely. Without standards we cannot meet this test and that is why I regretfully voted against this amendment.

I am disappointed that the Senate did not adopt the amendment I cosponsored offered by Senator CLINTON that would have created a commission to investigate and identify the problems with the governmental response to Katrina. Hurricane Katrina and its aftermath devastated the gulf region and exposed serious flaws in our Nation's response capabilities. While the crisis prompted untold acts of heroism and compassion that continue to this day, it also revealed gaping holes in the Government's reaction and ability to stop, reduce, or mitigate the effects of this terrible disaster.

We need answers. We need answers about what went right, what went wrong, and what we can do to make sure our response is better to future disasters. We need a serious inquiry unimpeded by political considerations or posturing, and I believe an independent commission is the right way to do that. Our Nation and this Senate have been willing to spend tens of billions of dollars in the last 4 years to address our disaster response capabilities. Hurricane Katrina showed that those capabilities still can't provide Americans with the protection and safety they deserve. We need the serious rethinking and reassessment a Katrina commission could provide so that we can effectively address our nation's critical response needs. That is why I hope the Senate will soon reconsider establishing such a commission.

In closing, I want to note my disappointment that the bill fails to address problems with media concentration. I have long been concerned about concentration and vertical integration in the radio industry, which was one of the reasons I opposed the Telecommunications Act of 1996 that relaxed many ownership restrictions. I feel that consolidation has the strong potential for limiting creativity, localism and diversity on our airwaves. In 1998, twice in 2001 and again in September 2002, the Federal Communications Commission, FCC, published reports on the changes in the radio industry as a result of the 1996 act. These reports showed significant consolidation nationally and in local markets. For example in 1996, the largest radio group owned less than 65 stations; by 2002 the largest radio group had more than 1,200 stations.

I proposed a modest amendment to require the FCC to update and provide Congress with a report on consolidation in the radio industry that the FCC last produced 3 years ago. I was disappointed that I was denied even the opportunity to get a vote on my amendment. As New York Attorney General Eliot Spitzer's recent payola settlement shows, there continue to be problems with the radio industry and therefore there is a need for updated information about the state of the industry so that Congress can decide how to address these problems.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2744, the Agriculture appropriations bill. I further ask that the committee-reported substitute be agreed to as the original text for purposes of further amendment and that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes. The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

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

H.R. 2744

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

**TITLE I**

**AGRICULTURAL PROGRAMS**

**OFFICE OF THE SECRETARY**

For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

**EXECUTIVE OPERATIONS**

**CHIEF ECONOMIST**

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.

**NATIONAL APPEALS DIVISION**

For necessary expenses of the National Appeals Division, \$14,524,000.

**OFFICE OF BUDGET AND PROGRAM ANALYSIS**

For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.

**HOMELAND SECURITY STAFF**

For necessary expenses of the Homeland Security Staff, \$934,000.

**OFFICE OF THE CHIEF INFORMATION OFFICER**

For necessary expenses of the Office of the Chief Information Officer, \$16,462,000.

**COMMON COMPUTING ENVIRONMENT**

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services,

\$124,580,000 (reduced by \$40,000,000) (reduced by \$2,000,000) (reduced by \$855,000) (reduced by \$21,000,000) to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

**OFFICE OF THE CHIEF FINANCIAL OFFICER**

For necessary expenses of the Office of the Chief Financial Officer, \$5,874,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

**OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS**

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$811,000.

**OFFICE OF CIVIL RIGHTS**

For necessary expenses of the Office of Civil Rights, \$20,109,000.

**OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION**

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$676,000.

**AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS**

**(INCLUDING TRANSFERS OF FUNDS)**

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$183,133,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, \$147,734,000, and for buildings operations and maintenance, \$35,399,000: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

**HAZARDOUS MATERIALS MANAGEMENT**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$15,644,000, to remain available until expended: *Provided*, That appropriations and

funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

**DEPARTMENTAL ADMINISTRATION**

**(INCLUDING TRANSFERS OF FUNDS)**

For Departmental Administration, \$23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

**OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,821,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

**OFFICE OF COMMUNICATIONS**

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,509,000: *Provided*, That not to exceed \$2,000,000 may be used for farmers' bulletins.

**OFFICE OF THE INSPECTOR GENERAL**

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$79,626,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

**OFFICE OF THE GENERAL COUNSEL**

For necessary expenses of the Office of the General Counsel, \$38,439,000.

**OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS**

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$598,000.

**ECONOMIC RESEARCH SERVICE**

For necessary expenses of the Economic Research Service in conducting economic re-

search and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$75,931,000.

**NATIONAL AGRICULTURAL STATISTICS SERVICE**

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627 and 2204g, and other laws, \$136,241,000, of which up to \$29,115,000 shall be available until expended for the Census of Agriculture.

**AGRICULTURAL RESEARCH SERVICE**

**(SALARIES AND EXPENSES)**

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,035,475,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political sub-division, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research

to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest.

【None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

#### 【BUILDINGS AND FACILITIES

【For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$87,300,000, to remain available until expended.

#### 【COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

##### 【RESEARCH AND EDUCATION ACTIVITIES

【For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$661,691,000 (increased by \$855,000), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$22,255,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$37,704,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$92,064,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$15,038,000; for competitive research grants (7 U.S.C. 450i(b)), \$214,634,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$5,645,000 (increased by \$855,000); for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106-78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University and West Virginia State University, \$12,312,000, to remain available until ex-

ended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$500,000; and for necessary expenses of Research and Education Activities, \$39,773,000, of which \$2,750,000 for the Research, Education, and Economics Information System and \$2,173,000 for the Electronic Grants Information System, are to remain available until expended.

【None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

#### 【NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

【For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$12,000,000, to remain available until expended.

##### 【EXTENSION ACTIVITIES

【For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$444,871,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$62,409,000; payments for the pest management program under section 3(d) of the Act, \$10,000,000; payments for the farm safety program under section 3(d) of the Act, \$4,563,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,978,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University and West Virginia State University, \$33,868,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; and for necessary expenses of Extension Activities, \$16,531,000.

##### 【INTEGRATED ACTIVITIES

【For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$15,513,000, as follows: for a competitive international science and education grants

program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$1,000,000, to remain available until September 30, 2007 for the critical issues program, and \$1,513,000 for the regional rural development centers program; and \$12,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

#### 【OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

【For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$5,935,000 (increased by \$1,875,000), to remain available until expended.

#### 【OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

【For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$724,000.

#### 【ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### 【SALARIES AND EXPENSES

##### 【(INCLUDING TRANSFERS OF FUNDS)

【For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$823,635,000 (increased by \$18,885,000), of which \$4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$38,634,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$33,340,000 shall be available for a National Animal Identification program: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal

year shall not exceed 10 percent of the current replacement value of the building.

**[In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.]**

**[BUILDINGS AND FACILITIES]**

**[For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,996,000, to remain available until expended.]**

**[AGRICULTURAL MARKETING SERVICE  
[MARKETING SERVICES]**

**[For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$78,032,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]**

**[Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).]**

**[LIMITATION ON ADMINISTRATIVE EXPENSES]**

**[Not to exceed \$65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.]**

**[FUNDS FOR STRENGTHENING MARKETS,  
INCOME, AND SUPPLY (SECTION 32)]**

**[(INCLUDING TRANSFERS OF FUNDS)]**

**[Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.]**

**[PAYMENTS TO STATES AND POSSESSIONS]**

**[For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,347,000.]**

**[GRAIN INSPECTION, PACKERS AND  
STOCKYARDS ADMINISTRATION]**

**[SALARIES AND EXPENSES]**

**[For necessary expenses to carry out the provisions of the United States Grain Stand-**

**ards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,400,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]**

**[LIMITATION ON INSPECTION AND WEIGHING  
SERVICES EXPENSES]**

**[Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.]**

**[OFFICE OF THE UNDER SECRETARY FOR FOOD  
SAFETY]**

**[For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$590,000.]**

**[FOOD SAFETY AND INSPECTION  
SERVICE]**

**[SALARIES AND EXPENSES]**

**[For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$837,264,000, of which not less than \$756,152,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.]**

**[OFFICE OF THE UNDER SECRETARY FOR FARM  
AND FOREIGN AGRICULTURAL SERVICES]**

**[For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$635,000.]**

**[FARM SERVICE AGENCY]**

**[SALARIES AND EXPENSES]**

**[(INCLUDING TRANSFERS OF FUNDS)]**

**[For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,023,738,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.]**

**[STATE MEDIATION GRANTS]**

**[For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$4,250,000.]**

**[DAIRY INDEMNITY PROGRAM]**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).]**

**[AGRICULTURAL CREDIT INSURANCE FUND  
PROGRAM ACCOUNT]**

**[(INCLUDING TRANSFERS OF FUNDS)]**

**[For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,600,000,000, of which \$1,400,000,000 shall be for guaranteed loans and \$200,000,000 shall be for direct loans; operating loans, \$2,116,256,000, of which \$1,200,000,000 shall be for unsubsidized guaranteed loans, \$266,256,000 shall be for subsidized guaranteed loans and \$650,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,020,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.]**

**[For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$16,960,000, of which \$6,720,000 shall be for guaranteed loans, and \$10,240,000 shall be for direct loans; operating loans, \$134,317,000, of which \$36,360,000 shall be for unsubsidized guaranteed loans, \$33,282,000 shall be for subsidized guaranteed loans, and \$64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, \$81,000.]**

**[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$305,127,000, of which \$297,127,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".]**

**[Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.]**

**[RISK MANAGEMENT AGENCY]**

**[ADMINISTRATIVE AND OPERATING EXPENSES]**

**[For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$77,806,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).]**

**[CORPORATIONS]**

**[The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out**

the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

**[FEDERAL CROP INSURANCE CORPORATION FUND]**

**[For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.**

**[COMMODITY CREDIT CORPORATION FUND]**

**[REIMBURSEMENT FOR NET REALIZED LOSSES]**

**[For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.**

**[HAZARDOUS WASTE MANAGEMENT]**

**[(LIMITATION ON EXPENSES)]**

**[For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).**

**[TITLE II]**

**[CONSERVATION PROGRAMS]**

**[OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT]**

**[For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$744,000.**

**[NATURAL RESOURCES CONSERVATION SERVICE]**

**[CONSERVATION OPERATIONS]**

**[For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$793,640,000 (reduced by \$20,000,000), to remain available until March 31, 2007, of which not less than \$10,457,000 is for snow survey and water forecasting, and not less than \$10,547,000 is for operation and establishment of the plant materials centers, and of which not less than \$27,312,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250**

for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

**[WATERSHED SURVEYS AND PLANNING]**

**[For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), \$7,026,000.**

**[WATERSHED AND FLOOD PREVENTION OPERATIONS]**

**[For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$60,000,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed \$25,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.**

**[WATERSHED REHABILITATION PROGRAM]**

**[For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$27,000,000 (increased by \$20,000,000), to remain available until expended.**

**[RESOURCE CONSERVATION AND DEVELOPMENT]**

**[For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$51,360,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed \$3,411,000**

shall be available for national headquarters activities.

**[TITLE III]**

**[RURAL DEVELOPMENT PROGRAMS]**

**[OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT]**

**[For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$627,000.**

**[RURAL COMMUNITY ADVANCEMENT PROGRAM]**

**[(INCLUDING TRANSFERS OF FUNDS)]**

**[For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H and 381N of the Consolidated Farm and Rural Development Act, \$657,389,000, to remain available until expended, of which \$38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$88,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, \$6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along**

the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed \$17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be for Rural Community Assistance Programs; and not to exceed \$14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

#### [RURAL DEVELOPMENT

#### [SALARIES AND EXPENSES

#### [(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$152,623,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

#### [RURAL HOUSING SERVICE

#### [RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

#### [(INCLUDING TRANSFERS OF FUNDS)

[For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,140,799,000 shall be for direct loans, and of which \$3,681,033,000 shall be for unsubsidized guaranteed loans; \$35,969,000 for section 504 housing repair loans; \$100,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,500,000 for credit sales of acquired property, of which up to \$1,500,000 may be for multi-family credit sales; and \$5,048,000 for section 523 self-help housing land development loans.

[For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$170,837,000, of which \$129,937,000 shall

be for direct loans, and of which \$40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,521,000; section 515 rental housing, \$45,880,000; section 538 multi-family housing guaranteed loans, \$5,420,000; multi-family credit sales of acquired property, \$681,000; and section 523 self-help housing and development loans, \$52,000: *Provided*, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$455,242,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### [RENTAL ASSISTANCE PROGRAM

[For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$650,026,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$20,000 per project for advances to non-profit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

#### [MUTUAL AND SELF-HELP HOUSING GRANTS

[For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

#### [RURAL HOUSING ASSISTANCE GRANTS

[For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

#### [FARM LABOR PROGRAM ACCOUNT

[For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$32,728,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

#### [RURAL BUSINESS-COOPERATIVE SERVICE

#### [RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

#### [(INCLUDING TRANSFER OF FUNDS)

[For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$34,212,000.

[For the cost of direct loans, \$14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2006, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, \$887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses to carry out the direct loan programs, \$4,719,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### [RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

#### [(INCLUDING RESCISSION OF FUNDS)

[For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$25,003,000.

[For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$4,993,000, to remain available until expended.

[Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, \$18,877,000 shall not be obligated and \$18,877,000 are rescinded.

#### [RURAL COOPERATIVE DEVELOPMENT GRANTS

[For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$24,000,000 (increased by \$40,000,000), of which \$500,000 shall be for cooperative research agreements; and of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,000,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed \$15,500,000 (increased by \$40,000,000), to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

#### [RURAL EMPOWERMENT ZONES AND ENTERPRISE

#### [COMMUNITY GRANTS

[For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-

277): *Provided*, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

**[RENEWABLE ENERGY PROGRAM**

**[**For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$23,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

**[RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT**

**[(INCLUDING TRANSFER OF FUNDS)**

**[**Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,100,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed under-writing loans pursuant to section 313A, \$1,000,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

**[**For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$6,160,000, and the cost of telecommunications loans, \$212,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

**[**In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$38,907,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

**[RURAL TELEPHONE BANK PROGRAM ACCOUNT**

**[(INCLUDING TRANSFER OF FUNDS)**

**[**The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

**[**For administrative expenses, including audits, necessary to continue to service existing loans, \$2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

**[**Of the unobligated balances from the Rural Telephone Bank Liquidating Account, \$2,500,000 shall not be obligated and \$2,500,000 are rescinded.

**[DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM**

**[**For the principal amount of direct distance learning and telemedicine loans, \$50,000,000; and for the principal amount of direct broadband telecommunication loans, \$463,860,000.

**[**For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$25,750,000, to remain available

until expended, of which \$750,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

**[**For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$9,973,000, to remain available until expended: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

**[**In addition, \$9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

**[TITLE IV**

**[DOMESTIC FOOD PROGRAMS**

**[OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES**

**[**For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$599,000.

**[FOOD AND NUTRITION SERVICE**

**[CHILD NUTRITION PROGRAMS**

**[(INCLUDING TRANSFERS OF FUNDS)**

**[**For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$12,412,027,000, to remain available through September 30, 2007, of which \$7,224,406,000 is hereby appropriated and \$5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to \$5,235,000 shall be available for independent verification of school food service claims.

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

**[**For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$5,257,000,000, to remain available through September 30, 2007: *Provided*, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) shall be effective in 2006; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i): *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That on or after October 1, 2005, or the date of enactment of this act, whichever is later, any individual seeking certification or recertification for benefits under the income eligibility provisions of section 17(d)(2)(iii) of the Child Nutrition Act of 1966 shall meet such eligibility requirements only if the income, as determined under title XIX of the Social Security Act, of the individual or the family of which

the individual is a member is less than 250 percent of the applicable nonfarm income poverty guideline: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

**[FOOD STAMP PROGRAM**

**[**For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$40,711,395,000, of which \$3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workforce requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

**[COMMODITY ASSISTANCE PROGRAM**

**[**For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$178,797,000, to remain available through September 30, 2007: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007.

**[NUTRITION PROGRAMS ADMINISTRATION**

**[**For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$140,761,000.

**[TITLE V**

**[FOREIGN AGRICULTURAL SERVICE**

**[SALARIES AND EXPENSES**

**[(INCLUDING TRANSFERS OF FUNDS)**

**[**For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for

expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$148,224,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

**[PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT**

**[(INCLUDING TRANSFERS OF FUNDS)]**

[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$65,040,000, to remain available until expended.

[In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$3,385,000, of which \$168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

**[PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS**

**[(INCLUDING TRANSFER OF FUNDS)]**

[For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$11,940,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

**[PUBLIC LAW 480 TITLE II GRANTS**

[For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,107,094,000, to remain available until expended.

**[COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT**

**[(INCLUDING TRANSFERS OF FUNDS)]**

[For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

**[MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS**

[For necessary expenses to carry out the provisions of section 3107 of the Farm Secu-

rity and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

**[TITLE VI**

**[FOOD AND DRUG ADMINISTRATION**

**[SALARIES AND EXPENSES**

[For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,837,928,000: *Provided*, That of the amount provided under this heading, \$305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; \$40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$444,095,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$519,814,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$178,713,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$243,939,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,152,000 shall be for the National Center for Toxicological Research; (7) \$58,515,000 shall be for Rent and Related activities, of which \$21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) \$134,853,000 shall be for payments to the General Services Administration for rent; and (9) \$117,060,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That of the funds provided herein for other activities, \$5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony on the President's 2006 budget request

before the Committee on Appropriations of the House of Representatives: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

[In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

[In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

**[BUILDINGS AND FACILITIES**

[For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$5,000,000 to remain available until expended.

**[INDEPENDENT AGENCIES**

**[COMMODITY FUTURE TRADING COMMISSION**

[For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$98,386,000, including not to exceed \$3,000 for official reception and representation expenses.

**[FARM CREDIT ADMINISTRATION**

**[LIMITATION ON ADMINISTRATIVE EXPENSES**

[Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

**[TITLE VII—GENERAL PROVISIONS**

**[(INCLUDING RESCISSION OF FUNDS)]**

[SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

[SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

[SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

[SEC. 704. New obligatory authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to \$8,000,000 in the low pathogen avian influenza program for indemnities, up to \$1,500,000 in the scrapie program for indemnities, up to \$33,340,000 in animal health monitoring and surveillance for the animal identification system, up to \$3,009,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension

Service, funds for competitive research grants (7 U.S.C. 450i(b)); Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

**SEC. 705.** The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture; *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator; *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

**SEC. 706.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**SEC. 707.** Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

**SEC. 708.** No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and non-profit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

**SEC. 709.** None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

**SEC. 710.** None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award; *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

**SEC. 711.** Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

**SEC. 712.** Appropriations to the Department of Agriculture for the cost of direct

and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

**SEC. 713.** Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

**SEC. 714.** None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

**SEC. 715.** No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

**SEC. 716.** None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

**SEC. 717.** None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board; *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress; *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

**SEC. 718.** (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

**SEC. 719.** With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

**SEC. 720.** None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

**SEC. 721.** None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

**SEC. 722.** In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

**SEC. 723.** Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

**SEC. 724.** Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008)(e)(6)(B)) is amended by striking "\$27,998,000" and inserting "\$28,498,000".

【SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

【(1) agricultural commodities to—

【(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

【(B) households in the communities, particularly individuals caring for orphaned children; and

【(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

【SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed \$1,000,000 and Hickory Creek Special Drainage District, Bureau County, Illinois, not to exceed \$50,000.

【SEC. 727. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

【SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

【SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

【SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

【SEC. 731. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

【SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

【SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

【SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

【SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,012,000,000 (increased by \$40,000,000).

【SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

【SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

【SEC. 738. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

【SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$120,000,000 made available by section 6401(a) of Public Law 107-171.

【SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

【SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of \$258,000,000 (reduced by \$13,000,000).

【SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$60,000,000 (reduced by \$17,000,000).

【SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107-171 in excess of \$83,500,000 (reduced by \$10,000,000).

【SEC. 744. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107-171.

【SEC. 745. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105-264.

【SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$51,000,000.

【SEC. 747. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

【SEC. 748. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

【SEC. 749. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171 in excess of \$60,000,000.

【SEC. 750. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

【SEC. 751. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

【SEC. 752. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits or is in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966.

【SEC. 753. There is hereby appropriated \$1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

【SEC. 754. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of \$6,000,000 (7 U.S.C. 1524).

【SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of \$12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

【SEC. 756. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture

may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

**SEC. 757.** None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

**SEC. 758.** None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

**SEC. 759.** (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Bridgeton, New Jersey, the City of Kingston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants; and

(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants.

**SEC. 760.** The Secretary of Agriculture shall use \$10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

**SEC. 761.** The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108-324 (188 Stat. 1236).

**SEC. 762.** Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, \$32,000,000 is hereby rescinded.

**SEC. 763.** None of the funds provided by this Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 2006 reinsurance year.

**SEC. 764.** None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

**SEC. 765.** Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch

agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

**SEC. 766.** In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture \$7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

**SEC. 767.** It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

**SEC. 768.** None of the funds made available in this Act may be used—

(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

**SEC. 769.** None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

**SEC. 770.** None of the funds made available by this Act to the Secretary of Agriculture may be used, after December 31, 2005, to purchase chickens, including chicken products, under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, unless the Secretary shall take into account whether such purchases are in compliance with standards relating to the wholesomeness of food for human consumption, pursuant to section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)).

**[This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".]**

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:*

#### TITLE I

#### AGRICULTURAL PROGRAMS

#### PRODUCTION, PROCESSING AND MARKETING

#### OFFICE OF THE SECRETARY

*For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.*

#### EXECUTIVE OPERATIONS

#### CHIEF ECONOMIST

*For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agri-*

*cultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.*

#### NATIONAL APPEALS DIVISION

*For necessary expenses of the National Appeals Division, \$14,524,000.*

#### OFFICE OF BUDGET AND PROGRAM ANALYSIS

*For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.*

#### HOMELAND SECURITY STAFF

*For necessary expenses of the Homeland Security Staff, \$1,166,000.*

#### OFFICE OF THE CHIEF INFORMATION OFFICER

*For necessary expenses of the Office of the Chief Information Officer, \$16,726,000.*

#### COMMON COMPUTING ENVIRONMENT

*For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, \$128,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.*

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

*For necessary expenses of the Office of the Chief Financial Officer, \$5,874,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.*

#### OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

*For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$821,000.*

#### OFFICE OF CIVIL RIGHTS

#### (INCLUDING TRANSFERS OF FUNDS)

*For necessary expenses of the Office of Civil Rights, \$20,109,000.*

#### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

*For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$676,000.*

#### AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

#### (INCLUDING TRANSFERS OF FUNDS)

*For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$187,734,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, \$147,734,000, and for buildings operations and maintenance, \$40,000,000: Provided, That amounts which are made available for space rental and related costs for the*

Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

**HAZARDOUS MATERIALS MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

**DEPARTMENTAL ADMINISTRATION  
(INCLUDING TRANSFERS OF FUNDS)**

For Departmental Administration, \$23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

**OFFICE OF THE ASSISTANT SECRETARY FOR  
CONGRESSIONAL RELATIONS  
(INCLUDING TRANSFERS OF FUNDS)**

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,846,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

**OFFICE OF COMMUNICATIONS**

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,509,000: Provided, That not to exceed \$2,000,000 may be used for farmers' bulletins.

**OFFICE OF THE INSPECTOR GENERAL**

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$81,045,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

**OFFICE OF THE GENERAL COUNSEL**

For necessary expenses of the Office of the General Counsel, \$40,263,000.

**OFFICE OF THE UNDER SECRETARY FOR  
RESEARCH, EDUCATION AND ECONOMICS**

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$598,000.

**ECONOMIC RESEARCH SERVICE**

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, \$78,549,000.

**NATIONAL AGRICULTURAL STATISTICS SERVICE**

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, \$145,159,000, of which up to \$29,115,000 shall be available until expended for the Census of Agriculture.

**AGRICULTURAL RESEARCH SERVICE  
SALARIES AND EXPENSES**

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,109,981,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

**BUILDINGS AND FACILITIES**

For acquisition of land, construction, repair, improvement, extension, alteration, and pur-

chase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$160,645,000, to remain available until expended.

**COOPERATIVE STATE RESEARCH, EDUCATION, AND  
EXTENSION SERVICE**

**RESEARCH AND EDUCATION ACTIVITIES**

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$652,231,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), \$178,707,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), \$22,205,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$37,477,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$110,281,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$15,158,000; for competitive research grants (7 U.S.C. 450i(b)), \$190,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), \$1,078,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$992,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$2,976,000, to remain available until expended (7 U.S.C. 2209b); for a higher education agrosecurity education program (7 U.S.C. 3351), \$750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,456,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$990,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$5,600,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,472,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$992,000; for aquaculture grants (7 U.S.C. 3322), \$3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, \$12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$2,232,000; and for necessary expenses of Research and Education Activities, \$38,193,000, of which \$2,424,000 for the Research, Education, and Economics Information System and \$1,928,000 for the Electronic Grants Information System, are to remain available until expended.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

**NATIVE AMERICAN INSTITUTIONS ENDOWMENT  
FUND**

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7

U.S.C. 301 note), \$12,000,000, to remain available until expended.

#### EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$453,438,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$275,520,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,247,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$62,909,000; payments for the pest management program under section 3(d) of the Act, \$9,920,000; payments for the farm safety program under section 3(d) of the Act, \$4,563,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, \$2,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,478,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, \$1,760,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University and West Virginia State University, \$33,643,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, \$2,646,000; and for necessary expenses of Extension Activities, \$22,443,000.

#### INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$55,784,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$45,784,000, including \$12,867,000 for the water quality program, \$14,847,000 for the food safety program, \$4,167,000 for the regional pest management centers program, \$4,464,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,389,000 for the crops affected by Food Quality Protection Act implementation, \$3,106,000 for the methyl bromide transition program, and \$1,874,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$992,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$744,000, to remain available until September 30, 2007 for the critical issues program, and \$1,334,000 for the regional rural development centers program; and \$10,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

#### OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$5,888,000, to remain available until expended.

#### OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$724,000.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$807,768,000, of which \$4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$39,900,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$32,932,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as author-

ized by 7 U.S.C. 428a, \$4,996,000, to remain available until expended.

#### AGRICULTURAL MARKETING SERVICE

##### MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$76,643,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

#### FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

##### (INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

##### PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$3,847,000, of which not less than \$2,500,000 shall be used to make a grant under this heading.

#### GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

##### LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

## OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$602,000.

## FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$836,818,000, of which no less than \$751,457,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2006 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act \$5,000,000, available until September 30, 2007, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

## OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$635,000.

## FARM SERVICE AGENCY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,043,555,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

## STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,250,000.

## GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), \$4,250,000, to remain available until expended.

## DAIRY INDEMNITY PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy in-

demnity program, \$100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,608,000,000, of which \$1,400,000,000 shall be for guaranteed loans and \$208,000,000 shall be for direct loans; operating loans, \$2,033,000,000, of which \$1,100,000,000 shall be for unsubsidized guaranteed loans, \$283,000,000 shall be for subsidized guaranteed loans and \$650,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$2,000,000; and for boll weevil eradication program loans, \$100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$17,370,000, of which \$6,720,000 shall be for guaranteed loans, and \$10,650,000 shall be for direct loans; operating loans, \$133,380,000, of which \$33,330,000 shall be for unsubsidized guaranteed loans, \$35,375,000 shall be for subsidized guaranteed loans, and \$64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, \$80,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,137,000, of which \$309,137,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

## RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$73,448,000: Provided, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

## CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

## FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

## COMMODITY CREDIT CORPORATION FUND

## REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit

Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

## HAZARDOUS WASTE MANAGEMENT

## (LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

## TITLE II

## CONSERVATION PROGRAMS

## OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$744,000.

## NATURAL RESOURCES CONSERVATION SERVICE

## CONSERVATION OPERATIONS

For necessary expenses to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$819,561,000, to remain available until expended, of which not less than \$11,000,000 is for snow survey and water forecasting, and not less than \$11,847,000 is for operation and establishment of the plant materials centers, and of which not less than \$28,156,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

## WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance

with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), \$5,141,000.

#### WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$60,000,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed \$27,199,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

#### WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$27,313,000, to remain available until expended.

#### RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$51,228,000, to remain available until expended.

### TITLE III

#### RURAL DEVELOPMENT PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$635,000.

#### RURAL COMMUNITY ADVANCEMENT PROGRAM

##### (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, \$705,106,000, to remain available until expended, of which \$86,770,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$528,115,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$496,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$992,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$90,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C

of such Act, of which \$4,464,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,500,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$140,000 shall be made available to conduct a feasibility study; \$3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; \$26,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”, of which \$100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed \$35,000 per community, for the completion of comprehensive community safe water plans; not to exceed \$18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which \$5,600,000 shall be for Rural Community Assistance Programs and not less than \$850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed \$13,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in

section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, \$20,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, \$28,000,000 shall be transferred to and merged with the “Rural Utilities Service, High Energy Cost Grants Account” to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the “Rural Utilities Service, High Energy Costs Grants Account”.

#### RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$164,773,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,927,581,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,000,000,000 shall be for direct loans, and of which \$3,681,033,000 shall be for unsubsidized guaranteed loans; \$35,000,000 for section 504 housing repair loans; \$90,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,500,000 for credit sales of acquired property, of which up to \$1,500,000 may be for multi-family credit sales; and \$5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$154,800,000, of which \$113,900,000 shall be for direct loans, and of which \$40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,238,000; repair, rehabilitation, and new construction of section 515 rental housing, \$41,292,000; section 538 multi-family housing guaranteed loans, \$5,420,000; multi-family credit sales of acquired property, \$681,000; section 523 self-help housing and development loans, \$52,000: Provided, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30,

2006, shall be carried over until September 30, 2007, and made available for such housing projects only in the State of Alaska.

For additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, \$16,500,000, to remain available until expended: Provided, That funding made available under this heading shall be used to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$465,886,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$653,102,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, no less than \$8,976,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended.

#### RURAL HOUSING VOUCHER PROGRAM

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), \$16,000,000, to remain available until expended: Provided, That such vouchers shall be available to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of the voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds).

#### MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

#### RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$43,976,000, to remain available until expended: Provided, That \$2,976,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

#### FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$29,607,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

#### RURAL BUSINESS—COOPERATIVE SERVICE

##### RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$34,212,000.

For the cost of direct loans, \$14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2006, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That of such amount made available, the Secretary may provide up to \$1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$6,656,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

##### RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

###### (INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting

rural economic development and job creation projects, \$25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, \$4,993,000 shall not be obligated and \$4,993,000 are rescinded.

#### RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$24,988,000, of which \$500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,488,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which \$15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

#### RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$12,400,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): Provided, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

#### RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### RURAL UTILITIES SERVICE

##### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,700,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$425,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric

loans, \$6,160,000, and the cost of telecommunications loans, \$212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,933,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, \$2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND  
BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$550,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$35,000,000, to remain available until expended: Provided, That \$10,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$11,825,000, to remain available until September 30, 2007: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD,  
NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$599,000.

FOOD AND NUTRITION SERVICE  
CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$12,412,027,000, to remain available through September 30, 2007, of which \$7,224,406,000 is hereby appropriated and \$5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to \$5,235,000

shall be available for independent verification of school food service claims.

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$5,257,000,000, to remain available through September 30, 2007, of which such sums as are necessary to restore the contingency reserve to \$125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2006; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and \$20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$40,711,395,000, of which \$3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of

the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); The Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$179,935,000, to remain available through September 30, 2007: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$140,761,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law.

TITLE V

FOREIGN ASSISTANCE AND RELATED  
PROGRAMS

FOREIGN AGRICULTURAL SERVICE  
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$147,868,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD  
FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than \$5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$3,385,000, of which \$168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$3,217,000 may be transferred to and merged

with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT  
DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$11,940,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,150,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS  
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG  
ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,841,959,000: Provided, That of the amount provided under this heading, \$305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; \$40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall

be credited to this account and remain available until expended; and \$11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$450,179,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$515,430,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$178,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$245,770,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,152,000 shall be for the National Center for Toxicological Research; (7) \$58,515,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) \$134,853,000 shall be for payments to the General Services Administration for rent; and (9) \$117,559,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$7,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$98,386,000, including not to exceed \$3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships: Provided further, That up to an additional 5 percent of the amount of this limitation may be expended for expenses associated with unforeseen termination applications, upon a finding of extraordinary circumstances by the Federal Credit Administration Board.

TITLE VII

GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made

for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligatory authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to \$32,932,000 in animal health monitoring and surveillance for the animal identification system, up to \$2,993,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. Hereafter, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this or any other Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Hereafter, not to exceed \$50,000 of the funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of

the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 716. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 717. (a) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

(c) Hereafter, the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.

SEC. 720. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 722. Hereafter, notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 723. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "\$27,998,000" and inserting "\$29,998,000".

SEC. 724. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider the City of Butte/Silverbow, Montana and the designated Census tract areas for the Upper Kanawha Valley Enterprise Community, rural areas for purposes of eligibility for rural development programs.

SEC. 725. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Matanuska River erosion control project in Alaska, Little Otter Creek project in Missouri, the Manoa Watershed project in Hawaii, the West Tarkio project in Iowa, and the Coal Creek project in Utah.

SEC. 726. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 727. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 728. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 731. Hereafter, agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

SEC. 733. Hereafter, the Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for

those investments, provided those investments are insured by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,017,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$120,000,000 made available by section 6401(a) of Public Law 107-171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$47,000,000.

SEC. 742. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, \$32,000,000 is hereby rescinded.

SEC. 743. Not more than \$10,000,000 for fiscal year 2006 of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107-171.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$51,000,000.

SEC. 745. None of the funds made available by this Act may be used to issue a final rule in fur-

therance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 746. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 747. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426-426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 748. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171 in excess of \$60,000,000.

SEC. 749. Hereafter, agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 750. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year, and are not available for new obligations.

SEC. 751. There is hereby appropriated \$1,500,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 752. Notwithstanding any other provision of law—

(1)(A) the Alaska Department of Community and Economic Development shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska; and

(B) the Alaska Department of Community and Economic Development shall be allowed to pass the grant funds through to the local government entity that will provide water and sewer service to the hospital;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State;

(4)(A) the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri; and

(B) the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for construction cost of the project; and

(5) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 753. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 754. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 755. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 756. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 757. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 758. There is hereby appropriated \$1,000,000, to remain available until expended, to carry out provisions of section 751 of division A of Public Law 108-7.

SEC. 759. There is hereby appropriated \$500,000 for a grant to Alaska Village Initiatives for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 760. There is hereby appropriated \$2,250,000, to remain available until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 761. Hereafter, notwithstanding any other provision of law, effective with funds made available in fiscal year 2004 to States administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That States may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 762. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Registrar of Deeds of Morton County, Kansas.

SEC. 763. There is hereby appropriated \$5,000,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108-148 (16 U.S.C. 6571-6578).

SEC. 764. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 765. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of \$12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

SEC. 766. (a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

(b) LIMITATIONS.—

(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

(A) Evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) A certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral

extends to or beyond the new final maturity date being requested by the borrower.

(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection (2).

(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

(c) FEES.—

(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.

SEC. 767. Notwithstanding any other provision of law, to provide for consistent regulation of consumer contact lenses, no funds appropriated in this or any other Act may be used in this and each fiscal year hereafter for the approval for sale in the United States of any contact lens produced by a manufacturer unless that manufacturer certifies that it does not discriminate in the distribution of, or restrict consumer access to, any contact lenses it produces, markets, distributes, or sells, and makes any such lenses available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: Provided, That for the purposes of this section, the term "alternative channels of distribution" means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other distribution alternative without regard to whether it is associated with a prescriber, and the term "manufacturer" means the manufacturer and its parents, subsidiaries, affiliates, successors and assigns.

SEC. 768. (a) IN GENERAL.—Hereafter, the Secretary of Health and Human Services, on behalf of the United States may, whenever the Secretary deems desirable, relinquish to the State of Arkansas all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary.

(b) TERMS.—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable,

(1) by filing with the Governor of the State of Arkansas a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of such State may otherwise provide.

(c) DEFINITION.—In this section, the term "Jefferson Labs campus" means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

SEC. 769. Section 204(b)(3)(A) of the Child Nutrition and WIC Reauthorization Act of 2004 (118 Stat. 781; 42 U.S.C. 1751 note) is amended by striking "July 1, 2006" and inserting "October 1, 2005".

SEC. 770. (a) Section 18(f)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)(B)) is amended—

(1) by striking "April 2004" and inserting "June 2005"; and

(2) in clause (ii), by striking "66.67" and inserting "75".

(b) The amendments made by subsection (a) take effect on January 1, 2006.

SEC. 771. There is hereby appropriated \$1,250,000 to the National Agricultural Imagery Program to acquire one meter natural color digital ortho-imagery of the entire state of Utah.

SEC. 772. Notwithstanding any other provision of law, for eligibility to participate in the Environmental Quality Incentives Program (EQIP), a producer is deemed to have an interest in a farming or ranching operation whether the source of income for that operation is derived from crops or livestock owned by that producer, or owned by another and raised by that producer.

SEC. 773. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank, except in the event of liquidation or dissolution of the telephone bank during fiscal year 2006, pursuant to section 411 of the Rural Electrification Act of 1936, as amended, or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 774. There is hereby appropriated \$2,000,000 to carry out Section 120 of Public Law 108-265 in Utah and Wisconsin.

SEC. 775. There is hereby appropriated \$700,000 to provide administrative support for a world food hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that all after the enacting clause be stricken; that the text of H.R. 2744, Calendar No. 141, the Senate committee-reported bill, be inserted in lieu thereof, considered as original text for the purpose of further amendments, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. That order has been entered.

Mr. BENNETT. Mr. President, I am pleased to bring before the Senate for myself and the ranking member of the subcommittee, Senator KOHL, the fiscal year 2006 appropriations bill for Agriculture, Rural Development and related agencies. This bill contains the funding for the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. It also sets a limitation on the funding for the Farm Credit Administration, although no appropriated funds are provided for that agency.

The bill is at our 302(B) budget authority allocation of \$17.348 billion, and it is within our outlay allocation of \$18.816 billion. It is the product of more than 7 months' examination of the administration's budget proposal and

many requests from Senators and other stakeholders. It was approved unanimously by the subcommittee and the full committee and is the product of a completely bipartisan effort with contributions from Senators on both sides of the aisle.

Since I have been the chairman of this subcommittee, I have had the pleasure of working with Senator KOHL and his excellent staff and have learned a great deal from that experience. For the record, I thank them for the excellent and professional way in which they have helped us craft this bill. This is truly a bipartisan effort. There has been a minimum of difficulty and bickering. This is a tribute to Senator KOHL and the staff he has assembled on his side, as well as the staff that made themselves available to me. I express my gratitude to him and to all of the staffers involved; also, the members of the subcommittee and the full committee who have cooperated with us in producing the unanimous report at both levels.

We commonly refer to this as simply the "Ag appropriations bill," but it has a much wider impact on American citizens than just agriculture. The largest portion of the funding in this bill, whether discretionary or mandatory, goes to nutrition and feeding programs for mothers and children both in low-income groups and in senior citizens. We often think of the Agriculture appropriations bill entirely in terms of farmers, so I wish to make the point that this bill funds the feeding and nutrition program for those I have described.

It is also a consumer protection bill for food, drugs, and medical devices. It is an export promotion bill for our farmers and food manufacturers. It is a conservation and natural resources bill, and it is a bill to promote the economic development of rural America.

The budget authority allocation is \$516 million more than last year's level, which sounds good if one is looking for more spending. Last year, we had a \$406 million one-time saving that is not available this year. So when one nets those two numbers out, this bill is virtually identical to the previous allocation.

Also, we should note that the administration budget proposes \$177 million in user fees contingent on authorization, which was sent to the authorizing committee only 3 weeks ago and has not been considered. So those user fees also reduce the total amount of the bill. That is why I say in general terms, this bill is level funding of the previous year.

I should point out that the previous year was below the year before that. So at least as far as this subcommittee of the Appropriations Committee is concerned, we are not expanding the Federal budget or adding to the deficit by increasing every year. We are either going down or, at best, holding steady.

We do thank Chairman COCHRAN for the allocation that gives us the \$516

million more than that I talked about. Because of the other factors I have described, it is absolutely essential to keep us effectively holding steady.

At this time when we are concerned about homeland security, I will outline the homeland security increases that are in this bill. There is \$10 million for the National Agricultural Pest Information Systems; provides \$166.5 million for food defense activities at FDA. This is an increase of \$16.6 million over fiscal year 2005. In addition, the committee continues to fund FDA counterterrorism activities related to medical product countermeasures at \$57.2 million.

We provide \$13 million for the Food Emergency Response Network in USDA and FDA to integrate the Nation's food testing laboratories for the detection of threat agents in food at the local, State, and Federal levels. We fund the completion of the National Animal Disease Center. Those are the increases in the funding levels for terrorism.

Food safety, we have an increase of \$36.2 million, and this includes full funding for food inspection, BSE surveillance—BSE is the more appropriate name for what the press calls mad cow disease—as well as humane slaughter. As far as animal health programs are concerned, we provide full funding for BSE surveillance and an increase for the detection of low pathogenic avian influenza.

In the area of the research and education program, there is \$1.167 billion to support research, education, and extension activities at America's land grant colleges and universities. We have learned that is the backbone of research in agriculture, and that is why we continue to fund that particular area. We also fund 1890 institutions—those are the historically Black land grant colleges—as well as tribal colleges and schools of forestry.

There is approximately \$1.1 billion for the Agricultural Research Service, adding money for research in animal diseases, human nutrition, and food safety. Then there is \$59 million to complete funding for the National Animal Disease Center located in Ames, IA. This is a project that we have been involved in for some years, and with this appropriation it will finally be completed.

For the farm assistance programs, there is \$3.7 billion for farm loans; conservation programs, \$963 million for conservation and watershed activities; and in the area of rural development, we have \$454 million for water and waste water grants; \$5 billion for low-income housing; over \$1 billion in loans and grants for small rural businesses; \$6.2 billion for rural electrification and telecommunications loans; and \$550 million for broadband loans.

In the area of domestic food programs, WIC funding, Women and Infant Children, \$5.257 billion; and for food stamps, \$40.7 billion. These are very large numbers. This is the area I spoke of earlier where the bulk of the appro-

priations go, and for those who are concerned about these areas of nutrition for people in need, both funding levels provided will meet the expected caseload.

Foreign assistance, we have \$147.868 million; PL-480 title II funds, \$1.150 billion; and the McGovern-Dole program, \$100 million.

Now let us turn for just a moment to the Food and Drug Administration: FDA, \$1.841 billion; the medical device review is getting \$7.8 million above fiscal year 2005; counterterrorism food safety, \$16.6 million above fiscal year 2005; and drug safety, \$5 million above fiscal year 2005.

With respect to the limitations on mandatory programs where we have looked for savings, we have two goals: one, to do no serious harm and, No. 2, in whatever limitations are there, that they be fair. We believe we have met both of those goals.

This was the work of the subcommittee and the full committee in the normal course of events, and then, of course, Katrina came along. So I think it is appropriate that we make some comments about what may or may not be in this bill with respect to the hurricane disaster in the southern part of the United States.

This bill does not have provisions directly tied to that disaster, having been written before the disaster came along, but it does provide much of the resources USDA will need to help the victims of that disaster, resources that were built into the normal course of events. There is money for food stamps, WIC, and food safety, as I have described. There is conservation recovery and rural housing, as I have described. Many of the people who were hurt, particularly I believe in Mississippi, are going to be facing rural housing challenges. USDA can continue its very commendable efforts to assist those in need with the existing authorities as it has with the funds provided in this bill.

The States affected by Hurricane Katrina are all major beneficiaries of these programs. For that reason, I urge my colleagues to help us get this bill passed by the Senate as soon as possible. We should not deal with all of Katrina with supplemental funds when there are funds in the pipeline in the normal fashion that can be of assistance.

We have had a number of requests from Senators on both sides of the aisle regarding matters that came up after this bill was passed by the Appropriations Committee back in June. I and my staff and Senator KOHL and his staff are working on a managers' amendment to address these requests, and I will be offering that amendment later during the consideration of this bill.

I appreciate the attention of the Senate to this outline of where we are.

AMENDMENT NO. 1726

I send an amendment to the desk on behalf of myself and Senator KOHL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. KOHL, proposes an amendment numbered 1726.

Mr. BENNETT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 154, line 20, after "Iowa," insert the following:

"the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois,"

On page 167, line 22, strike "(a)" through and including "required fee." on page 170, line 11, and insert the following:

"The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

**"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.**

"(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

**"(b) LIMITATIONS.—**

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

**"(c) FEES.—**

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited

to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee."

Mr. BENNETT. I am happy to yield to my ranking member, good friend, and full partner, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the fiscal year 2006 appropriations bill for Agriculture, Rural Development, and Related Agencies. This year, the Agriculture Subcommittee received a budget allocation of \$17.3 billion, the first budget increase in several years. Along with our increased allocation, however, came increased spending requirements and critical priorities that, in the end, left us with essentially the same funding level as last year. Thanks in no small part to the hard work of Senator BENNETT and his staff, I believe we have put together a bill that all Senators should be able to support without hesitation.

Before I discuss the bill at hand, however, I believe we would be remiss to not express our deepest sympathies to all of those affected by Hurricane Katrina. It seems almost unfair to plan for a year ahead, knowing there are people still trying to figure out their next hours and days. We are aware that so much remains to be done to help these people, and while we do not include funding for specific items related to that disaster in this bill, we are working with USDA to ensure that immediate help in the form of food and housing is being provided, and will work to make sure that when a disaster supplemental is passed, all possible help that can be provided by the USDA and FDA will most certainly be included.

In the bill at hand, however, here are a few of the highlights.

With the recent discovery—the first of its kinds—of BSE resulting from a cow born in the United States, it is important to note that this bill fully funds the President's request for all mad cow disease prevention and detection activities within the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Food and Drug Administration. This will allow USDA and FDA to continue enhanced inspections of cattle, and to work to ensure the continued prevention of BSE in this country.

Not to diminish the other important work of keeping our food and drug supply safe done by those agencies, I would like to point out that the Food Safety and Inspection Service received an increase of nearly \$20 million above

last year's level, which will provide for 7,690 food safety inspectors. The Food and Drug Administration received an increase of nearly \$35 million, including nearly \$17 million for counterterrorism activities, nearly \$8 million for increased medical device review, and \$5 million for increased drug safety activities.

The importance of the conservation and watershed programs cannot be overstated, especially in light of recent events. This bill provides \$963 million for the Natural Resources Conservation Service; \$820 million for conservation operations, \$5 million for watershed surveys and planning; \$60 million for watershed and flood prevention programs; \$27 million for the watershed rehabilitation program, and \$51 million for resource conservation and development.

In rural development, the bill provides adequate funding for programs to meet priority needs for rural communities including business development, water and waste assistance, affordable rural housing, electric, telephone and broadband connections, and essential community facilities. The bill also provides a safety net to preserve rural multi-family housing and prevent low-income rural residents from being displaced from Government financed rental housing projects due to recent market and legal developments.

For the WIC Program, the bill provides \$5.25 billion, an increase of nearly \$22 million from last year's level. Although this amount is less than what the administration originally requested, changes in participation and food cost estimates allowed these savings, and the amount provided ensures full access to this program using the most up-to-date estimates. This funding level is supported by the administration, as well as noted hunger advocacy groups, all of whom have worked with the committee in determining the proper and adequate WIC funding level. This amount includes a contingency reserve of \$125 million, \$20 million for improved computer systems, and \$15 million for breastfeeding support activities. Further, we did not include the President's proposals to limit Medicaid eligibility restrictions, nor lower the cap on nutrition services administrative funding. All other nutrition programs were funded at or above the President's request level, including \$40.7 billion for food stamps, \$12.4 billion for child nutrition programs, nearly \$109 million for the Commodity Supplemental Food Program, and \$140,000,000 for The Emergency Food Assistance Program.

This bill also does not neglect our responsibilities to help other countries. The Foreign Agricultural Service received an increase of \$11 million this year. The PL-480 program, which supplies U.S. commodities to fight hunger in other countries, is funded at \$1.15 billion, and the committee did not accept the administration's proposal to shift some of these funds to USAID.

The McGovern-Dole program, which provides food for impoverished schoolchildren in other countries, receives \$100 million.

Overall, as I have previously stated, we were able to do everything that everyone wanted us to do. However, I think that Senator BENNETT has done a good job in making sure that this bill addresses the most important needs that we have. I would like to thank him again, as well as Jon Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication. They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff, for which I am also thankful.

I strongly support this bill, and I encourage all Senators to vote in favor of it.

I look forward to debating and passing this bill on the Senate floor and moving one step further toward providing USDA and FDA funds for fiscal year 2006 in the regular order. I encourage all Senators with amendments to this bill to file them early and to work with Senator BENNETT and myself and our staffs to deal with any and all amendments that come up.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask further proceedings under the quorum call be dispensed with.

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

#### MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Delaware.

#### OUR CONSTITUTION

Mr. CARPER. Mr. President, I rise to talk about the importance of our Constitution. In Delaware, we are reminded of that every year, at least once a year, on December 7, because that is Delaware Day. In Delaware, we celebrate on December 7, the day in 1787 when Delaware became the first State to ratify the Constitution. For one whole week, Delaware was the entire United States of America. After a week or so, we opened it up and let other States in, including South Carolina. For the most part, we have been pleased with the way things turned out.

This year, Constitution Day is going to be commemorated not just in Delaware on December 7 but across the

country on September 17. That will be Saturday. That is actually the day the Constitution was apparently signed back in 1787, up in Philadelphia.

If you visit the Senate today and all this week and you come into one of the galleries, if you walk in, they will give you a copy of the Constitution. Today I was bringing in some visitors, from Dover, DE, and I was given a copy of the Constitution with the amendments thereto. I was reminded that this commemoration of our Constitution for this Saturday was made possible by one of our colleagues in the Senate, ROBERT BYRD, who carries with him every day a copy of the Constitution a little bit smaller than this one. You have probably seen it, Mr. President. He pulls it out every now and then and waves it in our faces to remind us what it is all about. It is because of his love, really devotion, to the Constitution that we will be having a special commemoration on Saturday. I thank Senator BYRD for doing that.

I am a Delawarean who treasures what our Constitution does. It is the basic law of our land, the law on which all the other laws are built. The Constitution which is becoming the longest lived Constitution in the history of the world and the Constitution most replicated by every nation on Earth is the one we celebrate this Saturday.

I wish to take a couple of moments to share and remind us again how the Constitution is introduced. It starts off—many of us know these words. In fact, many of us as schoolchildren, and our children as well, had to learn the preamble to the Constitution, which reads as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

“We the people,” those three words encapsulate the very essence of what makes America so wonderful. By presenting a united front, our Founding Fathers told the world that they stood together when creating this great country. I believe we need to recapture their spirit of reconciliation and to focus our energies on healing the rift that has developed in our current political climate, a rift that goes back to the beginning of this administration, the previous administration, and, frankly, for some time before that.

We have seen how powerful America can be when all of our citizens unite to focus on a common goal. During this upcoming weekend, Saturday, September 17, I urge all Americans—not just my children who are in high school; not just other schoolchildren, but I urge all Americans from all walks of life to pause and contemplate principles that form the cornerstone of this great democracy of ours. By understanding our past, I believe we can navigate toward a better future and

truly honor the philosophy and spirit of our Founding Fathers.

The first 10 amendments to the Constitution are called the Bill of Rights. They lay out some of the liberties that we take for granted, but people in other places around the world would love to have these liberties. They do not and maybe they never will. I hope they will.

But our Constitution has, among other liberties, the freedom to bear arms. It has the right to say what is on our mind. In fact, there are newspapers, television stations, our radio stations—all of us enjoy freedom of speech. People can vote for whomever they want. If they like the job we are doing, they can reelect us; if they don't, they can throw us out and put somebody else in these seats. They can run for the job themselves.

They have a right to a jury by their peers. They have a right to be protected from unlawful searches without an order of a judge. There are all kinds of protections in our Constitution.

There is one given a little attention here lately, given a decision by a district court judge out in California. The question it raises is in the press of late, in the last 24 or 48 hours—again, I might add—the question of whether or not the Pledge of Allegiance to our flag, where we say “one nation under God,” is indeed constitutional.

I would have us go back to the beginning of our Nation's history, when we were born as a nation. I would have us remember, when the first President, George Washington, was sworn into office and they finished the ceremony—I think it was in New York City—they didn't break up and go off to a bunch of inaugural balls. As I recall, they went to church.

Several years before that when they were up in Philadelphia and were trying to hammer out the Constitution itself, whenever they got into an especially difficult place, they would sometimes call a halt to what they were doing and pray about it. They actually began a lot of their sessions with prayers, much as we begin our session in the Senate and over at the House of Representatives.

The folks who gathered up in Philadelphia all those years ago did not want to have a State religion. They didn't want to have a “Church of America.” They didn't want to have our version of the Church of England. They wrote that in the Constitution, literally in the first amendment. This is the way the first amendment starts:

Congress shall make no law respecting an establishment of religion.

If we go over the copy of the Constitution that we shared with the folks coming into the Senate today as visitors, we read the language alongside the raw language of the amendment and it says these words:

The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect.

I am not a lawyer, certainly not a constitutional lawyer. But I think I

can read. When I read literally the words of the Constitution, I believe what our Founding Fathers were trying to do is to make sure we don't establish in this country a church that somehow is sanctioned by the Government. They just didn't want to go there. Seeing what happened in some other countries, they didn't want to have any part of that.

Having said that, our Founding Fathers were a religious people. They were people of faith, and they drew on their faith, frankly, in drawing up this document and trying to resolve their differences in reaching the core on this Constitution.

The Pledge of Allegiance, I don't believe, existed when those folks were working on the Constitution. In fact, the words "under God" were only added, I believe, in 1954, some 51 years ago. I would ask, given the reliance on faith and people calling on their faith in 1787 when drafting the Constitution, how would they feel about a Pledge of Allegiance that said, "one nation under God"? My guess is they would feel pretty good about it. Rather than saying that we ought to strike that language "under God," they would probably say we ought to keep that in, and I would have to agree with them.

We will hear more about this issue going forward, I am sure. Hopefully, when we do, we will think back not just about the Constitution and what the words actually say in the first amendment, but we will also think back to the way people comported themselves and how they drew on their faith in 1787 as they wrestled with drafting this document and coming to consensus on this document. I think they would want the words "one nation, under God" to be in the Pledge of Allegiance if we were to have one.

We have all said it hundreds, probably thousands, of times. I think we got it right in 1954, and I think we ought to leave it that way.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

#### PLEDGE OF ALLEGIANCE

Mr. DEMINT. Mr. President, I appreciate the Senator from Delaware speaking about our Constitution and religious freedoms because I would like to follow up on his remarks. This week, Americans watching the confirmation hearings of Judge John Roberts witnessed something unique about his character, something we had seen before but that is now undeniable—his humility. I believe humility is a virtue that we should all feel as Americans. We should be humble in light of the blessings that we have in this great country, humble in light of the courage of our Founders, and humble in light of the wisdom of the drafters of the Constitution.

This country was founded on religious freedom by our Founding Fathers, many of whom were deeply reli-

gious. They wanted to create a place where they could worship without fear of persecution. Unfortunately, the Federal district court declared yesterday that the phrase "under God" in our Pledge of Allegiance was unconstitutional. This is deeply troublesome and is no less irrational than it would be to declare the Constitution itself unconstitutional.

The ruling by the Federal court in California is yet another example of the hostility by many activist judges toward a time-honored tradition. This tradition has been defended by numerous Justices, including Justice O'Connor, who said that eliminating such references would sever ties to a history that sustains this Nation even today.

The Pledge of Allegiance began in 1892 as a patriotic exercise, expressing loyalty to our Nation. It is a part of an American tapestry of time-honored and historically significant traditions that have come under attack in this country. By international standards, we are a young country. Yet we seem so quick and so willing to throw out parts of our heritage that our Founders recognized as important. "One nation under God" is no more the establishment or endorsement of religion than our national motto, "in God we trust," which is here above our door and above the Speaker's chair on the other side of the Capitol; or the phrase "God bless America," the closing words often used by the President when making public comments or speeches.

The Declaration of Independence states that our rights are inalienable for one reason, because we are endowed by our creator with these rights. All of our references to God are the ways the Government properly and constitutionally acknowledges our religious heritage.

We are a great nation, but we are also one nation under God. We are filled with people who know how fortunate we are and how different our lives could be elsewhere.

This is why it is important that we are reminded and that our children are reminded to be humble. Reciting that the United States is one nation under God is a statement of humility, a way of acknowledging that even as a world superpower, we recognize there is something bigger than we are, that our freedoms in this country come from God—not from Government. If we expel God from our public life, and if we lose humility that comes with the belief in a creator, our children and grandchildren will inherit an arrogant nation that has little hope for the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

#### CHURCH AND STATE

Mr. BENNETT. Mr. President, I have followed with interest the remarks of the Senator from Delaware about the Founding Fathers. Like him, I am unburdened with a legal education, but like him I believe I can read the English language, and that I have spent some time studying not only the Constitution but the history behind it. In the spirit of the remarks that have been made here, I add a few comments of my own.

It is very clear to me from studying the history of the first amendment that the primary concern of the Founders was to prevent the creation of State churches in the various States. There was never any movement to have a national church, but there were movements on the part of some of the individual States to have State churches. One of the reasons for the fact that there was not a national movement was that different States were dominated by different religions.

For example, the Puritans who came to what became the State of Massachusetts came to flee persecution they found in Europe. Then once they had established their colony in Massachusetts, they proceeded to persecute those who didn't agree with them. One of them, Roger Williams, went over to found what is now the State of Rhode Island, and created in Rhode Island a bastion of religious liberty about which the Senator from Rhode Island instructed a group of us at noon today. I found his presentation to be very interesting and worthwhile.

So a national religion covering all 13 States united in the United States of America was never in the cards. But there were some who felt that individual States might adopt a State church in that particular State, in one particular State or another. The Founding Fathers in the first amendment made it clear that there must not be a State church in any of the individual States. That was the driving force behind the words in the first amendment.

There are those in today's society who read the first amendment and its prescription of freedom of religion to mean that the Government should guarantee everyone freedom from religion, that the Government should vigorously put down any reference to religion that takes place in the public square.

I think that is a misreading of the Founders' intention, and I think that particular notion is behind the recent court ruling that has given rise to the speeches we have heard here on the floor.

I want to make one other observation about this, as long as I have the floor. America is known as a religious country. As I travel abroad and deal with some of our European friends, I find many of them to be perplexed by that. Indeed, one religious commentator said to me that if you are religious in Europe, you will be treated with disdain.

Europe has now entered its post-Christian era.

That is a very interesting statement, to think that Europe went through a pre-Christian era, then a Christian era, and now it is in a post-Christian period.

When you go throughout the great cities of Europe and look at the many churches, you find that most of them have been turned into concert halls, or tourist attractions, and they are not used for religious purposes anymore.

So why is Europe turning away from religion where America remains a strongly religious nation? I am sure there are many reasons, but the one that strikes me as cogent is the fact that we have never had a State church here in America. That means religions in America have had to compete for adherence in the public square on the basis of their doctrine, on the basis of their humanity and compassion, on the basis of their attractiveness to those who might want to affiliate with them, whereas in Europe you are required by law to join a particular church in a particular country.

When the government and the church become intertwined together in that fashion, even to the point where the government provides funds for the church, that makes it unnecessary for the church to appeal to its adherents sufficiently that they will support it out of their own pocketbook, you get a corruption of both.

It was very interesting to me to travel to Russia after the Soviet Union collapsed and spend some time talking with Russian officials about this very issue. The Russian Parliament had passed an act which I believed was violative of the notion of freedom of religion and I went over to visit with them to talk to them about it.

After having visits with members of the Duma as well as members of the Yeltsin administration and their justice department, I was assured they would lean on the concept of freedom of religion and that the law would not be used in any way to persecute certain religions that had come in from outside, once the Iron Curtain was over and religions were made welcome there.

But the interesting conversation out of all of that in the context of what I am saying here came from some individuals who were talking about the role of the Russian Orthodox Church in Russian life. After the fall of the Soviet Union, the Russians were making an effort to identify themselves once again as something other than Communists, trying to figure out who they were, asking the fundamental question: What does it mean to be a Russian? Of course, the members of the Russian Orthodox Church hierarchy said being a member of the Russian Orthodox Church is important to being a Russian, but they also said we do not want to be a State church again. We have been there, and we know how debilitating it is for the church to have gov-

ernment involvement in our affairs and to have government financing our affairs.

As we have this debate over the words that go into the pledge—a debate that I think will ultimately be settled in the courts one way or the other, and if the precedent is as it has been, the words “under God” will be retained in the pledge—let us take the occasion to remember why we have such religious strength in this country. It is the fact that we have had freedom of religion, and we have had different denominations competing in the public square for their various adherents and not depending upon the Government for funding or direction, unlike many of the countries in Europe.

America is not in its post-Christian era the way Europe is, and, ironically, I think one of the reasons is because America has never had a government dictation of what that would mean, what religion ought to be. But again, even as we celebrate freedom of religion, I hope we don't go so far as to have Government dictate freedom from religion and tell us that we must in some way or other, however subtle, persecute people of faith.

I had the honor of receiving an honorary degree at one of our universities, and the commencement speaker was the Catholic bishop of the area served by that university. He made the point that he respects, and it is required by our Constitution to respect, all of those who disagree with him and have made the choice not to worship anyone. But he said, I only ask in return that they extend to me the same respect for the fact that I have chosen to worship and that they do not use Government affairs to persecute me for having chosen to believe, just as I say we must not use Government agencies to persecute those who have chosen not to believe.

I yield the floor.

Mr. TALENT. Mr. President, I am here today to discuss a resolution, strongly disapproving of the recent decision by the U.S. District Court for the Eastern District of California that the Pledge of Allegiance is unconstitutional. I am hopeful that the Senate will pass this resolution later today.

The Pledge of Allegiance is a record of American values and history and the words of the Pledge still resonate in the convictions of Americans today.

For more than 50 years, the Pledge of Allegiance has included references to the flag, to our country having been established as a union “under God,” and to this country being dedicated to securing “liberty and justice for all.” The Senate believes, as recognized in a resolution passed unanimously in 2003, that the Pledge is a fully constitutional expression of patriotism.

However, some of our courts have either no respect for or understanding of these American traditions.

Several years ago—June 26, 2002—in what has become an infamous case, the Ninth Circuit Court of Appeals in San

Francisco ruled the Pledge of Allegiance to be unconstitutional when recited voluntarily because it uses the phrase “one nation under God.”

On June 14, the Supreme Court at least temporarily preserved the phrase “one nation under God,” in the Pledge of Allegiance, ruling that the plaintiff could not challenge the patriotic oath because he did not have standing in the case. This procedural ruling did not directly address whether the pledge recited by generations of American schoolchildren is constitutional. It left the Pledge vulnerable to another challenge.

Not unsurprisingly, on January 3, 2005, the same plaintiff and four others filed a second suit in the Eastern District of California challenging again the words “under God” in the Pledge.

Yesterday, the Eastern District of California refused to dismiss the case, holding instead that the Ninth Circuit's ruling in 2002—that the words “under God” were unconstitutional—was still good law. The effect of the court's ruling is that the Pledge has been deemed unconstitutional in three Sacramento-area school districts. This issue will likely be appealed to the Ninth Circuit again.

We are a nation of many faiths and beliefs. Tolerance for dissent is one of our great American values. But so is our common conviction that America is a nation that seeks the will and enjoys the protection of Divine Providence. The fact that some might disagree with that conviction is not a reason to deprive the rest of us of our right to affirm it in the Pledge.

I hope this body will join me in expressing support for the constitutionality of the Pledge of Allegiance by passing this resolution that the Senate strongly disapproves of yesterday's decision by the U.S. District Court for the Eastern District of California.

The PRESIDING OFFICER. The Senator from Illinois.

#### HURRICANE KATRINA

Mr. DURBIN. Mr. President, in a few hours President Bush will speak to our Nation about Hurricane Katrina, a catastrophe that has devastated the gulf coast and left all Americans deeply shaken.

For nearly a week, the entire world watched in horror as tens of thousands of American citizens trapped by the floodwaters pleaded for rescue, for food, water, and medicine. This didn't happen only in New Orleans. It happened in Slidell, in Jefferson Parish, in Pass Christian, LA, in Biloxi and Gulfport, MS, and countless other communities along the gulf coast. The devastation was so widespread.

We watched in stunned disbelief—hard to imagine that we were viewing our country, our neighbors as a great American city was turned into a toxic lake by a disaster that had been predicted for years. We saw families clinging desperately to roofs, pleading

to be rescued. People died trapped in the attics of their homes. Sick and elderly American citizens died, abandoned, in nursing homes. Babies died in their mothers' arms. Bodies floated in rivers and decomposed in plain view. The images we saw didn't even look like America. They looked like some foreign land. Yet we knew it was our America.

We don't have any idea how many lives Katrina claimed. The numbers may reach hundreds, maybe thousands. We do know that Katrina was the greatest natural disaster America has ever experienced. One million of our fellow Americans have been displaced from their homes by this hurricane. Many lost their homes, their jobs, their communities, everything they owned. They are scattered today across America, living in emergency shelters, living with families and friends, and living with compassionate strangers. Many still don't know what has become of their family members, or whether they even survived.

A short time ago, our leader, Senator HARRY REID of Nevada, and Congresswoman PELOSI of California from the other Chamber, spoke about what they hoped to hear the President say tonight. I want to take a few minutes to talk about what I—and I believe many Americans—hope to hear from the President this evening.

First, let me tell you what I hope the President will not say. I hope the President's message to America is not divisive and ideological. Some are counseling the President to pursue that course. The lead editorial in this morning's Wall Street Journal gives you a sense of what those words may be like. It tells the President to "get back on the political and intellectual offensive" as if we are in some kind of a political campaign here when it comes to dealing with this great tragedy.

The solutions the Wall Street Journal proposes for New Orleans and the gulf coast are all out of the "Ownership Society" notebook—vouchers for health care and education, tax credits, no sense of community, no sense of shared purpose. Remember the motto of this "Ownership Society" that we hear from the Wall Street Journal. Their motto is to remember that we are all in this alone. But America knows better. That tone, those solutions, we have heard them so many times. When in doubt, the Wall Street Journal camp and those who follow it attack the liberals, the trial lawyers, anyone with different ideas.

Then, their ultimate universal solution for every catastrophe, every challenge and every problem: cut taxes on the rich. That is a cliché that will not work. It is a program that has failed. It is one that we shouldn't turn to.

For the good of America, it is time to stop attacking these perceived political enemies and start attacking the real problems: incompetence, cronyism, poor planning, poverty, inadequate health care and housing, and overwhelmed schools.

What do we need in America? What do we need from the President? Two words: unity and community.

Two days ago, President Bush said he takes personal responsibility for the Federal Government's disastrous response to Hurricane Katrina. The Governor of Louisiana said the same thing yesterday. So be it. They have accepted responsibility.

We need to know what happened. We need to know where we failed. But the finger-pointing should end as of today.

I commend the President for acknowledging that the buck stops at the Oval Office. Harry Truman had that famous sign on his desk: "The buck stops here." And the President, with his acknowledgment, said as much 2 days ago.

But responsibility is a word. What we need is accountability. Americans are united in our desire to help our fellow citizens, who have lost so much in this disaster, rebuild their lives and rebuild communities. It is in our national interest. More important, it is part of our national character. Americans do not turn their backs on their neighbors.

We want answers about the future of the gulf coast. But we also want and deserve answers as to how this catastrophe unfolded—not to point fingers of blame but to make sure we understand the shortcomings of government at a moment when America needed it the most.

Something terrible happened on the gulf coast. Government at all levels failed. The most basic test of government is to protect its people. Instead, we had unnecessary death, destruction, suffering, and loss. How could it happen in America?

After the London subway bombings in July, we called for increased spending for rail security in this country. There was a vote on it, but the administration said no. They said rail security was the responsibility of State and local governments.

In an interview with the Associated Press, Secretary Chertoff of the Department of Homeland Security explained that he could not focus on every threat. Then he said something which I am sure he regrets:

The truth of the matter is, a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people.

I am certain the Secretary would like to be able to retract those words. Then he said:

When you start to think about your priorities, you're going to think about making sure you don't have a catastrophic thing first.

Those are the words of Secretary Chertoff after the London subway bombing. Those were his words 6 weeks before Hurricane Katrina.

We are committed to the future of New Orleans and the gulf coast. But the American people also want to know what happened before and after Katrina hit. Why were we not prepared

for such a catastrophe? How could our government at all levels have been so unprepared to respond? What did Congress do wrong? What did the Senate do wrong? What did each agency of government do wrong? What has been done with the billions of dollars we have spent on disaster preparedness since September 11?

We have created a new agency, and we have brought new agencies from other parts of the government under that roof. We have tried to make it leaner and meaner and more effective. Yet when tested with Hurricane Katrina, it failed.

If our government can't save us from a disaster that has been predicted for years—from a blip on the radar which was seen 48 hours before it caused any destruction in the gulf area how will this government save us from a terrorist attack with no warning whatever?

Asking those questions is not "playing the blame game." It is accountability. It puts a responsibility on my shoulders as a minority Member of the Senate as much as any other Member of the Senate.

Hurricane Katrina has shaken our faith in our ability of the government to protect us. The only way to restore it is to get down to the bottom line and ask the hard questions.

You may recall after September 11 there was a suggestion that we have an independent nonpartisan commission to analyze what went wrong. Why didn't our intelligence agencies gather the information to warn us in advance? There was resistance to that idea from the White House. Yet we pressed forward. And the motivating force behind it was not only popular opinion but the surviving families of those who died on September 11. Those husbands and wives and extended family members came together and forced the creation of the 9/11 Commission.

We need another commission. We need an independent, nonpartisan commission in the mode and style of the 9/11 Commission. The force behind it should be the same: families coming together—those who have lost loved ones, those who have lost their homes and lost their communities—to demand of this government accountability at all levels: legislative, executive, local, State, and Federal.

It is regrettable; we had a chance to do this yesterday. Senator HILLARY CLINTON of New York, who certainly understands the disaster of September 11, as does her colleague, Senator SCHUMER, said let's put together this Katrina commission, this independent, nonpartisan commission. Unfortunately, it failed on a party-line vote yesterday in the Senate.

But that is not the end of the story. We will be back. We will be back with this commission proposal until we clearly do have an independent commission we can trust to analyze the situation.

Wouldn't it be great tonight if the President, on national television, says

he now understands we need a Katrina commission? And that it should be independent and nonpartisan, just like the 9/11 Commission? That would be a great way to start.

There will be an independent inquiry into Hurricane Katrina because the American people will demand it.

I hope the President tonight will announce that he supports a bill that Republican chairman SUSAN COLLINS of Maine, and Democrat Senator JOE LIEBERMAN of Connecticut have introduced to increase Federal funding for the special inspector general that monitors reconstruction in Iraq so that office can also oversee spending on Hurricane Katrina relief and reconstruction.

The Katrina reconstruction effort will be the most ambitious Federal investment effort since the New Deal, the largest-ever Federal expenditure on a natural disaster. The special inspector general has the expertise and infrastructure in place now to monitor the billions of dollars of Federal funds that will be needed and make sure the taxpayers' dollars are not wasted.

FEMA has never had a sum of money like \$60 billion. Trust me, having seen government at work for many years, you have to get up to speed and you have to have accountability or money will be wasted. Victims will not be helped when they should be.

In addition, Senators OBAMA, CARPER, and COBURN have proposed their own idea, a creation of a chief financial officer to monitor financial management of the departments involved in Katrina reconstruction. I encourage the President to endorse this proposal, as well.

We know that the \$62 billion in emergency funds Congress has already approved for Katrina over the last two weeks is a down payment. We're told that the President tonight will ask for another \$50 billion, and the final cost of this catastrophe could reach \$200 billion—more than we have spent in 3 years in Iraq to date.

Already we have heard troubling reports about contracts being awarded for Katrina work. Listen to this headline from Monday's Wall Street Journal:

No Bid Contracts Win Katrina Work. White House Uses Practices Criticized in Iraq Rebuilding for Hurricane-Related Jobs.

That is a very disappointing headline. To think we would go down the same path of waste and abuse we have seen in Iraq now in our own country with Hurricane Katrina is unacceptable.

The lead in the story says:

The Bush Administration is importing many of the contracting practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

This was printed in the Wall Street Journal in their news. It is not some political document. It is their analysis. The story says:

The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded

without competitive building, using so-called 'cost-plus' provisions that guarantee contractors certain profits regardless of how much they spend.

The article quotes a contracting expert at George Washington University Law School who says:

You can easily compare FEMA's internal resources to what you saw in the early days of the Coalition Provisional Authority in Iraq: A small, underfunded organization taking on a Herculean task under tremendous time pressure. This is almost by definition a recipe for disaster.

Last week, the President signed an Executive order to cut the pay for construction workers on Katrina reconstruction projects. Think about that for a second.

First, the wage scales in the South and Louisiana and Mississippi, in particular, are very low anyway. Imagine you were a construction worker and your home or community was devastated by Katrina. You are now trying to put your life and your family back together. You say to your family, "the good news is I do construction work and, boy, we will need a lot of that."

The first thing the White House announces, "we will cut that worker's pay." So the first thing we do for the workers who have lost their homes and lived through the devastation of Hurricane Katrina is to give them a smaller paycheck. Already, the wage scales are low in this part of the country. The White House wants to cut them to even lower levels.

The Executive order waives the Davis-Bacon law of 1931. Interestingly enough, it is a provision in the law that is supported by management as well as labor to make certain that you have skilled and qualified workers building buildings and bridges and communities that will last and not fall apart.

Construction workers in New Orleans earn an average of \$10.31 an hour, which is 25 percent below the national average already. They are paid so low now they cannot afford what many workers can buy across America. Now President Bush wants to pay these workers, many of whom have to rebuild their homes and their lives from scratch, he wants to pay them even less. And the White House reportedly is going to do the same thing for service workers on Katrina construction projects.

The first decision the President makes about Katrina reconstruction is to order a pay cut for workers who are trying desperately to rebuild their lives and support their families.

But not everyone is being asked to sacrifice. Joe Allbaugh was President Bush's campaign manager in the year 2000. From there he became Director of FEMA under the President. Then he hired his old college roommate, Mike Brown, a familiar name to most Americans.

Today, Mr. Allbaugh has left the Federal Government. He is a lobbyist. One of his clients, a company called the Shaw Group, has already received two

\$100 million no-bid contracts for Katrina work—one from the Army Corps of Engineers to pump flood water out of New Orleans, and the other from FEMA for construction and management for emergency housing for Katrina victims.

The Shaw Group has updated its Web site, and it reads "Hurricane Recovery Projects—Apply Here!"

Now, another one of Mr. Allbaugh's clients, Kellogg, Brown & Root Services, a subsidiary of—you guessed it—Halliburton, formally headed by Vice President CHENEY, is doing repair work at Navy facilities in Mississippi damaged by Katrina. It received the contract for that work despite the fact that the Pentagon auditors have questioned hundreds of millions of dollars in charges for their work in Iraq. The same companies under investigation for ripping off taxpayers in Iraq are being awarded no-bid contracts for Katrina.

The President would serve the Nation well tonight if he says that we are going to put an end to this daisy chain of favorable contracts to old friends. It would be better if he would say that we are going to focus on making sure that taxpayers get the most for the money that is being spent on this reconstruction, and also that we are going to help the displaced workers in the region first—not well-connected private contractors. We want to make certain those workers struggling to put their lives back together are the highest priority for Katrina reconstruction work.

If workers need the training to take on the jobs, they should get it. They should be paid a decent wage for their labor, not a dime less.

State and local governments should receive priority over private contractors. And when private contractors are used for Katrina cleanup and reconstruction, we need strict oversight for every single dollar.

Katrina is a national tragedy. It shouldn't be an opportunity for profiteering.

There are other things we hope to hear from the President.

Yesterday, the cochairman of the independent September 11 Commission released a report showing most of its important recommendations still have not been implemented 4 years after September 11.

According to Gov. Tom Kean, the Republican Governor of New Jersey who was chair of this Commission:

The same mistakes made on September 11 were made over again [in Hurricane Katrina], in some cases even worse.

Americans want to hear from their President how their Government intends to ensure that we are as protected as we can be from terrorist attacks, natural disasters, and other potential catastrophes, such as nuclear accidents and disease outbreaks, we are going to get it right.

Americans want to know that the National Guard has what it needs to respond to emergencies at home.

I asked a question the other day of the Secretary of Defense. I am not sure he was happy with it. But I asked him: How far can we stretch the National Guard? In my State, 70 percent of the National Guard men and women have already served in Iraq or are currently serving there.

Now, of those who have come home, 1 out of every 10 are headed to the gulf coast. Many of them returned from Iraq a few months ago. They were getting reacquainted with their families and rebuilding their lives, taking care of their homes and undertaking new responsibilities in their communities, new jobs.

Now, with that spirit of voluntarism, they have stepped forward. But the obvious question is: How many times can we ask the National Guard to rise to this national challenge? How are we going to meet the recruiting goals when we are asking so much of these men and women?

Guardsmen, Coast Guard members, and so many others have been the heroes of Hurricane Katrina. They have saved thousands and thousands of lives, at great risk. But the Guard's efforts were hampered by the fact that 3,000 Guard members from Louisiana and 4,000 from Mississippi were in Iraq, with their equipment, their humvees, their trucks, their helicopters.

The Army National Guard was woefully under-equipped before the Iraq war started. It had only 75 percent of the equipment it needed. Today, more than half of the National Guard's equipment is either overseas or in need of major repair.

Now, we are watching Hurricane Ophelia off the coast of North Carolina. We pray it will not cause anywhere near the damage that it might. But we are positioning emergency personnel and the National Guard to respond.

Time and time and time again, we turn to our National Guard men and women. The obvious question is: How often can we ask them to perform this heroism? I think that is a legitimate question to ask this administration. When disaster strikes, the Guard is forced to move its people and equipment from farther away. As it does, it takes precious time and delays response.

The Guard estimates its equipment needs at \$14 billion today to upgrade the equipment of the National Guard to where it needs to be. The President's budget recommendation, is it \$14 billion for National Guard equipment? It is \$1 billion. So we are not preparing homeland security by equipping the National Guard with what they need today.

National Guard members do not lack for courage or commitment. They lack for equipment. The President should tell the American people tonight that he plans to ensure that the National Guard has what it needs to protect us at home.

Let me move to another issue that is affecting families and businesses across

America. The average price of gasoline today is \$1.40 higher than it was 4 years ago; for a gallon of gas, \$1.40 more. Oil companies are announcing record profits. According to the Boston Herald, ExxonMobil is set to announce \$10 billion in profits this quarter, after almost \$8 billion in profits for the last quarter. They are making \$110 million a day, and you know it because when you fill up your gas tank, you take a look at what you are paying. This money, frankly, is far in excess of what you should have to pay. These companies have had more in profits and more in net income than any companies in recent history in our country.

In Illinois, and across America, families have opened up their wallets for the victims of Hurricane Katrina. They should not have their pockets picked by a group of greedy oil companies.

Tonight, America wants to hear from President Bush the steps he is going to take to protect America's families and businesses from unfair price gouging by oil companies. I certainly hope the President is willing to take them on. What steps will the President support to develop alternative fuels so we can reduce our dependence on foreign oil? What can our Nation do to make certain we do not have to walk hand in hand with Saudi sheiks begging them for their oil for our economy? I hope the President will address that this evening.

Americans also want to hear President Bush explain how we are going to pay for the reconstruction of the gulf coast without shortchanging important national priorities and without burying our children and grandchildren in debt.

In the 1990s, under President Clinton, we eliminated the Federal deficit. The Government was running a surplus. And we were actually paying down the national debt so our kids' mortgage, our national mortgage would be lower.

In the last 4 years, under President Bush's watch, our national debt has increased by \$3 trillion. That is a 50-percent increase in the cumulative debt of America's entire history—50 percent under President Bush.

The Federal Government has to borrow \$2 billion every morning just to keep operating. Some are predicting the cost of Hurricane Katrina could push the deficit up to \$400 billion this year. We are looking at a flood of red ink this year and for years to come.

Yet, incredibly, there are those who think our top priority now should be cutting taxes for wealthy Americans. Imagine, no President in our history ever, of any administration, has cut taxes in the midst of a war.

This President continues to cut taxes as our deficits reach historic levels. And now, with Hurricane Katrina, we still hear Republicans on the other side of the aisle saying: Well, we have to give a tax break to the wealthiest Americans by eliminating the estate tax.

Accountability means responsibility. It means leadership. Tonight, when the

President speaks to the Nation, he should announce he will refuse to sign any bill eliminating the estate tax or any other tax cut that provides a wind-fall for the very wealthiest among us, until we provide it for the neediest among us, the victims of Hurricane Katrina.

Let me conclude by reminding my colleagues of a statement of Bill Cohen. Bill is a former Republican Senator from Maine and former Secretary of Defense under President Clinton. Here is what he said. This is "the Cohen Rule":

Government is the enemy—until you need a friend.

The other day I read a variation of this rule. It was said by Senator TRENT LOTT, who is viewed as a very conservative Republican in this Chamber. Here is what Senator TRENT LOTT said:

You're a fiscal conservative—until you get hit with a natural disaster.

In addition to houses and lives, one of the things swept away by Hurricane Katrina for many Americans was the myth of this "ownership society," which we have heard from the most conservative think tanks in Washington and from this administration. That is the point of view that says that less Government is always better, and we are all better off when we watch out for ourselves and our own families only and don't worry about the other guy.

For many of the victims of Hurricane Katrina, the only thing less Government meant was less protection. What Americans need is not necessarily less Government, but smarter Government. We need a Government that is strong enough to protect us overseas and protect us at home, a Government rooted in the most basic American moral values, a tradition that goes back to the earliest days of our Nation: banding together in times of need, to do for each other what none of us can do alone—using our common wealth for the common good.

Americans want a Government that says: We are all in this together, not: We are all in this alone.

We have seen so much heroism from so many people during Hurricane Katrina. We have seen the overwhelming kindness of Americans toward the survivors, the overwhelming, spontaneous outpouring of contributions from people across America—from the major corporations with their millions of dollars to the kids on the corner selling lemonade—all of them trying to do their part to help their neighbors, the most vulnerable in America, the victims of Hurricane Katrina.

America is yearning for a leadership and a leader that will speak to that spirit of unity and community. We will listen closely tonight for it.

The "ownership society" is not the right answer—it never was. Nor is using this national tragedy to try to divide Americans a good idea, when we yearn to be drawn together, not pulled apart.

We understand there are some challenges so enormous that none of us acting alone can meet them. We believe in sharing our blessings and our burdens. We believe in shared sacrifice.

There was a story in the Washington Post last weekend, the headline was "The Nation's Castaways." It was a story about some of the people who were left behind to fend for themselves in New Orleans when the floods came.

The reporter described a man who felt so guilty about the pita bread, water, and juice that he looted from a Wal-Mart to feed his family that he kept a list, so he can pay it back later. "I feel like an American again," the man said on TV after help finally began to arrive. "I thought my country had abandoned me."

Government at all levels failed during Hurricane Katrina, and tens of thousands of Americans were left with that same terrible fear—that their country had abandoned them. But we know from experience that when Americans pull together, we can overcome any obstacle. We have done it so many times in our history.

The urgent task facing the President tonight, and facing every leader in Government, facing every Senator, including this Senator, is to show the American people, not just in words but with actions, that we will not allow this tragedy to be repeated.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. CHAFEE). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I have come to the floor to join with the distinguished assistant Democratic leader in his conscientious and continuing concern for the victims of Hurricane Katrina.

I have seen the Senator from Illinois on the floor day after day, raising these questions, addressing these concerns. I understand tomorrow the Senator is going to New Orleans to tour the area personally, with Senate leadership, to see what needs to be done there to address the human suffering. I hear in his voice, and know from his longstanding commitment to the people of Illinois, the depth of his own heartfelt concern for their problems and his passion for their suffering and to do what we can, what we must, to address those problems.

I look forward to hearing from the Senator next week, after his return from New Orleans and that area, as to what we can do more effectively—all of us as leaders in the Senate, all of us working together, all of us as Americans, not as Democrats or Republicans, not as partisans but as patriots—on behalf of all the people in need.

I share his concern. What prompted me to come to the floor is I heard the Senator speaking about some of the difficulties in getting some of the necessary information in order to perform our responsibilities as Senators. I share that frustration, or at least let me express my own frustration because as a member of the Senate Committee on

Homeland Security and Governmental Affairs which has, under the Senate's organizing resolution, the responsibility and the authority to oversee the Department of Homeland Security as well as FEMA, the Federal Emergency Management Agency, which is under that agency, I have been confounded and enormously dismayed by the unwillingness of the Senate Republican leadership to permit that committee to do what it is responsible to do, which is to hold oversight hearings and to understand what is happening, what is not happening down in that flood-ravaged part of the country, and also to find out what must be done not to look at just failures—also, you hear about successes—not to point fingers of blame, but to exercise our oversight responsibility, particularly given that we have now, this body, at the President's request, appropriated almost \$63 billion of taxpayers' money to address these critical emergency needs.

I do not question the need to act quickly. And we have done so. But to deliver that much money—Federal taxpayers' dollars—to the responsible agencies without any oversight, without any questions asked or answers provided about what is being done with that money, and particularly to hear the Senator from Illinois describe published reports of sole-source contracting with organizations that have political connections with the President's former campaign manager, I find it to be shocking and appalling we have not exercised that responsibility.

I would ask the leader, and others responsible for these decisions, about when we will be holding public hearings in that committee to authorize our proceeding to do so with those who are directly responsible for the recovery efforts.

None of us wants to disrupt the recovery efforts in the southern part of the country. Lord knows, they have been disrupted enough already by what has failed to be done there, without any involvement by any of us. But I find it perplexing that Cabinet secretaries who have enough time to appear on Sunday talk shows and who are also clearly not in Louisiana or Mississippi day and night, 7 days and nights a week around the clock, have, while they are here in Washington, not a single hour available to appear before our committee in a public setting and answer the questions I have, that I know other members of the committee have, and that the American people have. We deserve—most importantly, the American people deserve—answers to these important questions.

Yesterday, we had, after now 2½ weeks since those levees failed in New Orleans, the very first public hearing of this committee. We had a former Governor of California, a former mayor of Grand Forks, ND, a couple of other wonderful former public servants who have expertise from their own past experiences, but not a single one of the people on that panel had any responsi-

bility for the public response to Hurricane Katrina. Similarly, not a single person with public responsibility for that response was willing to appear on that committee.

It was 9 days ago that we had before a number of us Senators 10 Cabinet secretaries, the Chairman of the Joint Chiefs of Staff, and the head of the National Guard to brief us on the situation right here in the Capitol, but they were not willing to appear in a public setting, even though there was not a single word spoken in that briefing that could not and should not have been witnessed and heard by the American people.

A week ago we had the Director of Operations for FEMA and the Deputy Commandant of the Coast Guard appear before the Committee on Homeland Security and Governmental Affairs, but they would not appear in a public setting. The briefing was behind closed doors. The public and press could not witness what they had to say. We have not yet, on this committee or any other committee that I am aware of—certainly none on which I serve, including Armed Services—had a single administration official willing to appear before us in a public setting and provide us with the information we desire, to allow us to ask questions and to provide answers in front of the committee and the American people. I find that unacceptable.

Again, I urge the Republican leadership of the Senate to authorize that committee to proceed as we are responsible to do, to join us and members of the committee, insist that the administration provide us their top officials. When they are not in New Orleans or Mississippi, when they are here in Washington, come up for an hour, an hour once, to begin with. Keep each of those Cabinet secretaries who were present 9 days ago, ask each one of them to come up and tell us in a public setting what their agency is doing to respond, what do they need from us, whether it is funding, legislation, removal of regulations, restrictions—tell us what you need from us in order to be more responsive and more effective in the Federal response to the emergency that persists. Come before us in a public setting, as public officials, as those who are responsible for the Federal response. Let us ask the questions we must to fulfill our oversight responsibilities, and let's start providing some public answers to the American people.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

THE PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## CONSTITUTION DAY

Mr. FRIST. Mr. President, on Saturday, the Nation will observe the 218th anniversary of the signing of the U.S. Constitution.

In previous years, September 17 has been designated "Citizenship Day"—a day on which all Americans were encouraged to pay special attention to the rights and responsibilities of citizenship.

This year, for the first time, we celebrate September 17 as "Constitution Day and Citizenship Day." This special focus on the Constitution came about as a result of an initiative sponsored by our senior colleague from West Virginia. The Consolidated Appropriations Act for Fiscal 2005 provides that each educational institution receiving Federal funds during a fiscal year will conduct a program of its own devising on the Constitution. Also, each Federal department and agency, in connection with this special day, will make available educational materials on the Constitution for its employees.

Today, we have placed on the desk of each Senator two documents. The first is an annotated copy of the Constitution. The second contains the record of the 1787 constitutional convention as pertains to the powers and responsibilities of the United States Senate. In the spirit of this first Constitution Day, I hope all my colleagues will take the time to examine both of these fundamental documents.

## HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, I rise today to honor the work and achievements of Hispanic Americans. Every year since 1968 Americans have formally recognized the importance of Hispanic heritage and the contributions of Latino members of society. Hispanic Heritage Month allows the Nation's 41 million Latinos, along with all Americans, to celebrate Latino community and culture.

As the fastest growing population in America, Hispanics have the potential to significantly impact society through their hard work, commitment to faith and closely-knit families. Aida Gianchello is one of the Latina Americans who are changing the world. Aida founded the Midwest Latino Health Research, Training and Policy Center at the University of Chicago at Illinois. From this Center, Aida works within the Latino community and with the public health network to address health problems that disproportionately affect Latinos, including life-

threatening diabetes, asthma and hypertension.

This morning, I had the pleasure of meeting three women from Illinois about to graduate from the National Hispana Leadership Institute. Juanita Irizarry is the executive director of Latinos United, a housing policy and advocacy organization in the Chicago area. Eva Serrano is director of community and school partnerships at Aurora University. Elena Tijerina is a partner at Lucent Technologies. These are powerful women, already participating in civic, business and community affairs, moving forward in leadership. We are lucky to have them in Illinois.

I also must mention my friend Al Galvan. Al is a veteran of World War II and the founder of the first Hispanic organization for Hispanic American veterans. The Illinois Hispanic Chamber of Commerce recently bestowed its life-time achievement award on Al Galvan.

Despite the remarkable accomplishments of many Hispanic leaders, Hispanic Americans still face daunting challenges, including the 14 million who do not have health coverage, as well as dangerously low levels of income. But they are rising to face these challenges—the rate of minority enrollment in post-secondary institutions continues to grow, as does the number of small businesses owned by Latinos. Leaders are recognizing the problems faced particularly by Latinos and are offering specific solutions. Aida Gianchello led the charge to serve struggling neighborhoods in Chicago by setting up three diabetes-focused self-care centers which each reach about a thousand residents a month, many undocumented and uninsured.

Individual efforts, like those of the Illinois leaders I have mentioned here today, make me proud to acknowledge the work and achievements of Latinos throughout Illinois and the country. It is only with the continued dedication and appropriate appreciation of Hispanic Heritage that the Latino culture will grow and thrive in America.

LOCAL LAW ENFORCEMENT  
ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2005, a man was beaten outside his home in Destin, FL. According to police, the apparent motivation for the attack was that the man was gay.

I would note that yesterday in the House, hate crimes legislation was

passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

## HONORING OUR ARMED FORCES

ARTHUR RAY MCGILL

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the life of SGT Arthur Ray McGill. It is the story of a carefree and loving young man from northwest Arkansas, who was devoted to his family and always put them above all else. It is also the story of a trustworthy and brave soldier, who honorably served his Nation in uniform, and ultimately gave his life in the name of freedom.

Sergeant McGill spent most of his childhood in the small Arkansas town of Decatur. Those who knew him best would describe him as a quiet and patient young man who was always considerate of others and treated them with respect. He attended Decatur High School and although he left after his 10th grade year, he went on to earn his general educational development diploma at the age of 17. Soon after, he joined the Arkansas National Guard, where he would serve for 6 years prior to enlisting in the U.S. Army in November of 2002.

In his free time, "Ray" or "Big Country," as he was known to friends and family, had a love for archery and could often be found playing video games or reading the comic books of his favorite superhero, Spiderman. But above all, his greatest love was his family, particularly his 7-year old daughter Kaylee. Her welfare was her father's greatest concern, and she knew that he could always be counted on to protect and care for her as best he could.

Sergeant McGill reported for duty in January of 2003 and was deployed for service in Operation Iraqi Freedom. He was one of the soldiers in the initial waves of American troops into Baghdad, and served in the area until that August. Sergeant McGill returned to Iraq in January of 2005. In explaining his decision to reenlist for a second tour of duty to his loved ones, Sergeant McGill spoke of his feeling of being needed in Iraq, and that he was simply doing his part and was proud to do so. He would also speak of his future after the Army, when he hoped to study criminal justice, buy a home, and become a member of the U.S. Border Patrol in New Mexico.

Throughout his military service, Sergeant McGill's hard work and dependability quickly earned him the respect and loyalty of his fellow soldiers. They even began calling him "Tizzley," a combination of a teddy bear and a grizzly, which aptly described the 6'6" soldier who had a heart of gold. Though the comradeship with his fellow soldiers grew, Sergeant McGill was still a

world away from his family and they were never far from his mind. While in Iraq, he had a habit of sending gifts and money back home to provide for them and spoke to them often by phone or through instant messenger on his computer. To make him feel a little closer to home, he also brought a CD-ROM to Iraq, which he spent a good deal of his free time enjoying; it contained over 500 issues of "The Amazing Spiderman" and was never far from his side.

Tragically, Sergeant McGill was killed on July 19 when a roadside bomb exploded near his vehicle while he was patrolling through the streets of Baghdad. Back in Arkansas, friends and family came to show their respects and bid farewell to their fallen soldier, as his flag-draped coffin was buried at Fayetteville National Cemetery. Kaylee, who had been the love of her father's life, was presented with an American flag and her father's dog tags, as well as the Bronze Star and Purple Heart he had earned through his courageous service to our Nation.

Although her father may no longer be with us, I am hopeful that these items will forever remind her of the courageous and honorable way he lived his life. Words cannot adequately express the sorrow felt in the hearts of the family and loved ones of Arthur Ray McGill, but I pray they can find solace knowing that his spirit will forever live on in the examples he set and the many lives he touched.

#### HURRICANE KATRINA

Mr. DOMENICI. Mr. President, I rise to address Hurricane Katrina—what we have been doing and what we should do next. Much has been said on this floor about good, and bad, responses to Hurricane Katrina.

This morning I would like to reflect on the good responses. I would like to mention a few stories of self-sacrifice and generosity made by some people from my home State of New Mexico. A team from Sandia National Laboratory's and Los Alamos National Laboratory's National Infrastructure Simulation Analysis Center is helping to determine the impact of Hurricane Katrina on electric power infrastructure and oil and gas infrastructure. The Office of Naval Research deployed an Expeditionary Unit for Water Purification from Alamogordo to create potable water from brackish water in Mississippi. Evacuees have been welcomed to our State. In one of the many shows of financial generosity by New Mexicans, the Sandia Pueblo has donated \$1 million to the American Red Cross. As another example, earlier this month two Dona Ana County Commissioners plan to donate their salaries for the rest of this year, totaling almost \$12,000, to Katrina victims.

Many law enforcement officers, firefighters, and other first responders from across the country are aiding in recovery efforts. One such group is

from Bernalillo County, NM. The Bernalillo County Sheriff's Office and Fire Department sent 43 individuals to New Orleans, including 3 civilians and my good friend Darren White, who is the Sheriff in Bernalillo County. The Bernalillo County team spent several days on airboats, searching for survivors. At one point, the Sheriff was thrown from the boat into the toxic floodwaters covering New Orleans. He was sent to a decontamination center, but the experience did not deter him from his mission. Instead, he stayed in New Orleans to continue helping with the team's rescue efforts, which saved more than 200 people. Stories like this make me extremely proud of New Mexico's brave law officers.

The list does not end there. The New Mexico Disaster Medical Assistance Team provided medical care in Louisiana. Task Force New Mexico, made up of 412 National Guardsmen, is helping a Louisiana parish get back on its feet. New Mexico Task Force One, an elite search and rescue team, assisted in recovery efforts. This team may sound familiar because New Mexico Task Force One was sent to the Pentagon following the September 11 attacks to help with rescue and recovery efforts there.

Finally, I would like to quote a September 12, 2005 USA Today news clipping I found particularly striking. A "disaster response director for the San Juan County Red Cross watched as two young boys from Farmington emptied their piggy banks . . . the boys were determined to send their money, \$32 total, to victims of Hurricane Katrina." The parents of these two Farmington, New Mexico boys should be very, very proud of their sons. I certainly am.

This, of course, is not an exhaustive list of New Mexico's contributions to Hurricane Katrina relief efforts, and I know that these stories are not unique to my home State. Many people across the country have responded with similar acts of courage and kindness. I would like to take this opportunity to say thank you to all of the people from New Mexico and from across the country who are helping with Katrina relief and recovery efforts.

I would also like to mention a few of the many Federal actions taken in response to Hurricane Katrina. Mr. President, 50,000 people have been rescued, and 53 million liters of water and 22 million meals have been distributed. U.S. military personnel, Federal law enforcement officers, and other Federal employees have gone to the gulf coast to help people like Sheriff White with rescue, recovery, and security efforts. Federal agencies have provided millions of dollars in grants for emergency energy assistance, agricultural aid, Head Start programs, and job creation. The Federal Government has done much more, including appropriating more than \$62 billion in emergency funding for the gulf coast region.

It should be noted that these billions of dollars are being provided for imme-

diately needs; the monies do not include funds for any long term rehabilitation or reconstruction projects along the gulf coast. However, such sums will be needed soon, as we face the most difficult long-term situation that America has ever confronted on her own soil. Rehabilitating and reconstructing the Gulf Coast will take several years and several billions of dollars. I believe the proper way to organize and coordinate these efforts is by creating an office that will work with leadership in the affected area to coordinate Federal, State, and local actions and report on reconstruction efforts.

I am not asserting that control should be taken away from the States and cities that were directly impacted by Katrina. Nor am I advocating that this person should play any role in reviewing the local, State and Federal responses to Katrina or in recommending any policy changes that may need to be made because of those responses.

However, I do believe we need someone who can oversee the numerous Federal projects and Federal funds that will be associated with the rebuilding efforts.

Creating such an office is not without precedence. I was here in 1972 when the Mid-Atlantic States were flooded by rainfall from Tropical Storm Agnes. These floods caused the costliest natural disaster in U.S. history at the time. President Nixon had the foresight to appoint Frank Carlucci, his Deputy Director of the Office of Management and Budget, to serve as his "personal representative" to the disaster area created by Agnes. Mr. Carlucci coordinated the multistate, multi-agency rebuilding efforts associated with Tropical Storm Agnes.

I believe that a similar office is needed now to oversee the long-term, multi-state rebuilding efforts associated with Katrina, and I have urged President Bush to create such an office by Executive Order. We are facing an important time in this country, and we must carefully choose how to proceed. I am convinced that the creation of a central office to coordinate the gulf coast rehabilitation is the proper way to move forward.

#### BACK TO SCHOOL AND THE NO CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year. Regrettably, thousands of students and teachers in the hurricane-ravaged gulf coast region have no schools to which they can return. According to the Louisiana Department of Education, schools in six parishes have been destroyed or are too damaged to reopen, and more than 240,000 students from that State alone have been displaced as a result. The Federal Department of Education estimates

that a total of more than 370,000 students across the region have been displaced, and many of them will have to spend the entire school year attending a different school.

I commend the school districts around the region and around the county, including in Wisconsin, that have opened their doors to students who have been displaced as a result of Hurricane Katrina and the ongoing devastation left in her wake. While the start of the school year usually means getting new school supplies, renewing friendships that may have lapsed over the summer months, and embarking on new courses of study, for the students displaced by Katrina, starting school may be the first step in restoring a sense of routine and a small measure of normalcy. Many of these students are separated from family members and friends and from familiar teachers, counselors, coaches, and other school personnel as they begin classes in another district or in another State. We should make every effort to assist the schools that are welcoming them with open arms as they work to make this transition as smooth as possible.

For these reasons, last week I sent a letter to the Secretary of Education, which I am pleased was cosigned by the senior Senator from Illinois, Mr. DURBIN, asking that the administration request dedicated education funding for schools in the affected areas and for the States and school districts that are enrolling these displaced students. Our letter also requested that the Secretary use her statutory authority to waive for 1 year the accountability provisions in the No Child Left Behind Act for the schools in the affected areas and for the school districts that are enrolling the displaced students.

Hurricane Katrina and its aftermath also remind us of the importance of the availability of school counselors, psychologists, and social workers. These personnel work with teachers, administrators, and parents to ensure that students have the resources and tools they need to meet the challenges of the classroom and of everyday life. In times of great stress or disaster, such as a hurricane, these professionals are even more important as they help students cope with the tragedy that they and their loved ones and friends—or family members or friends who lived in the affected area—are experiencing.

This natural disaster underscores the need to provide adequate resources to ensure that schools have the ability to recruit and retain school counselors, psychologists, and social workers in numbers that are appropriate to meet the needs of their students. I share the concern expressed by so many around my State that tight budget constraints and new Federal mandates are forcing school districts to make the difficult decision to cut some of these important positions. And many of those districts that are able to maintain these positions are unable to hire enough counselors, psychologists, and social

workers to meet the recommended student to professional ratios for those positions. I will talk more about the importance of providing promised Federal funding for education programs later in my statement, but I just wanted to touch on this issue here.

As we witness the concerted effort by so many local school districts and States to provide education for students displaced by Hurricane Katrina, we are reminded that throughout our Nation's history, the education of our children has been viewed as a largely local and state responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. And we have such an opportunity now to support local efforts by providing funding to the states and school districts that have been affected by Hurricane Katrina. I support such efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements, going so far as to call it “the most important Federal education reform in history.” I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country.

As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin. And the people of Wisconsin are not alone in their concern about the consequences of this law. A recent article in the St. Petersburg Times notes that “[i]t's not unusual for states to chafe at federal rules. But the state revolt against the federal law that filled America's classrooms with standardized tests is unprecedented. Forty-seven states are questioning, opposing, or rebelling against the most sweeping education reform in a generation.”

In Utah, for example, the State legislature passed and the Governor signed into law a bill that clarifies that State education policy has precedence over Federal education laws. Colorado is allowing individual school districts to “opt out” of NCLB. And the State of

Connecticut recently filed a lawsuit in Federal court that argues that the law is illegal because it constitutes an unfunded Federal mandate on States and school districts. The National Education Association had previously joined with a number of local affiliates and school districts from around the country in filing a similar lawsuit.

It is important to note that the Department of Education has made some effort to provide flexibility on some areas of this law in response to a flood of requests from States and school districts around the country. But this flexibility has been narrow in scope and has largely ignored the central concerns of States and school districts, including insufficient Federal resources to help schools comply with the law and the likelihood that no State or district—now matter how great their efforts or their educational progress—will be able to keep up with the law's ambitious accountability provisions, including the well-intentioned yet almost wholly unachievable requirement that all students be proficient in reading and math by the 2013–2014 school year.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as increased funding for title I and for afterschool programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts. As educators, students, and parents across the country know all too well, this law mandates that students be tested in reading and math in grades 3–8 beginning during this, the 2005–2006 school year. Further, the law mandates that students be tested in science at least once in grades 3–5, 6–9, and 10–12 beginning in the 2007–2008 school year.

This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this, and states and school districts are rightly concerned about the effect that this additional layer of testing will have on classroom education.

Connecticut, for example, has requested and has been repeatedly denied permission from the Department of Education to continue to test its students every other year instead of every year as is mandated by NCLB.

And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be “in need of improvement” or “failing” academically. It is also troubling that the corresponding Federal sanctions for schools deemed to be “in need of improvement” or “failing” will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources

to help these school succeed that were promised as part of NCLB. I am deeply concerned that the President's budget requests for each of the fiscal years since NCLB was enacted have not provided the funding levels promised by that law, and have, in fact, provided no funding for a number of important programs included in that law.

I began to hear concerns from Wisconsinites more than 4 years ago when the President first proposed his education initiative, and these concerns have only increased as my constituents continue to learn first hand what this law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are rightly troubled by the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, in past years I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would have allowed States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would have allowed States to keep the federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. While we have not reintroduced the bill this year, we remain committed to restoring to States and local school districts the decisions over the frequency and magnitude of testing.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100-percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly

qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available for nontested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and the Individuals with Disabilities Education Act; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

I am particularly disturbed that this appears to be only the tip of the testing iceberg. In his fiscal year 2006 budget request, the President proposed expanding this testing program to additional high school grades. We should not expand the NCLB testing mandates through the budget and appropriations process, and I am pleased that neither the House-passed nor the Senate reported Labor-Health and Human Services-Education appropriations bill includes this funding.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on ensuring that students pass a test to help their schools avoid being sanctioned by the Federal Government. Standardized tests measure performance on a particular day under particular circumstances. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or even the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools. And to compare the test scores of this year's third graders to those of next year's third graders does not pro-

vide an accurate picture of educational progress.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

#### PROTECTING RELIGIOUS FREEDOM

Mr. SANTORUM. Mr. President, here in the United States we cherish and protect religious freedom. Citizens of this great Nation exercise this freedom in many places—in their homes, in their workplaces and many more. But no place is more commonly the location of reflection and prayer than the house of worship—be it the church or synagogue, mosque or temple. The houses of God are infused with sanctity—not because of their architecture or their art or even holy books housed in them—they are sacred because it is where we men and women go to connect to something larger than themselves. We go there to seek comfort and peace. This is, of course, not only true of houses of worship in this country, but throughout the world. It is thus with a heavy heart that I come to the floor today to describe and to deplore the desecration of synagogues that was perpetrated earlier this week in Gaza.

After painful deliberations in Israel's Cabinet, the government of Israel decided to leave standing nineteen synagogues in its twenty-one communities throughout the Gaza Strip rather than lending a hand to their destruction. Despite official Israeli requests to protect the sanctity and security of the holy sites after it courageously withdrew from Gaza, the Palestinian Authority rejected out of hand any responsibility and refused to protect the structures from arsonists and looters. In fact, a Palestinian police officer, tasked with keeping the peace, shirked his responsibility and allowed the mobs to torch the synagogues, claiming, "The people have a right to do what they're doing."

Those acts should offend all people of good conscience. We know too well that where houses of God are desecrated, threats to man's liberty and life are soon found. As a nation founded by those seeking freedom from religious persecution, we know that governments must actively protect their citizens' religious freedom. And they have a sacred obligation to protect buildings not because they are made of stone, glass and wood but out of respect for the worship of God that occurs inside them.

Houses of worship, central fixtures in any community, are places where people gather to serve and worship God, seek his counsel, and share common religious experiences. As an American

who strongly values religious freedom, I am appalled by the actions of Palestinians who desecrated holy sites and I deplore the total abdication of leadership demonstrated by the Palestinian Authority.

[On this day in 1963,] a bomb exploded at the Sixteenth Street Baptist Church in Birmingham, AL. And it took until 2001, almost 40 years later, but, we prosecuted and convicted a man responsible. It pains me as I think of such horrific acts occurring and I am proud that in America we not only have the right to worship freely but where we fully prosecute perpetrators of such crimes to the fullest extent.

The lawlessness in the streets of Gaza, the lack of human rights, and the disrespect shown to holy sites by the Palestinian Authority is in marked, stark contrast to the way Israel has treated mosques and Christian holy sites. Following the torching of synagogues in Gaza, Israel increased security at Arab mosques. We need no further proof of the difference between lawful, civilized nations and those that have no place in the family of nations. A government that fails to honor religious sites and, worse, lacks the ability to restrain its citizens from committing such heinous acts demonstrates it is not yet a partner to peace and not yet interested in normal relations with our great friend, the State of Israel.

Rabbi Tzvi Hersh Weinreb, Executive Vice President of the Union of Orthodox Jewish Congregations of America said, "The destruction of a synagogue is akin to a knife being thrust into our very being. When synagogues are destroyed, with either the connivance or lack of action of a governing authority, we can only ask, what kind of government is this?"

All Americans of good will, of all faiths, ethnicities and nationalities feel such pain. I commend and join President Bush who yesterday condemned the desecration of the synagogues in Gaza and hope that all Members of this great body do the same.

#### NOMINATIONS OF STEWART A. BAKER AND JULIE L. MYERS

Mr. AKAKA. Mr. President, regretably, I was detained at a Veterans' Affairs Committee business meeting which precluded my presence at an important nomination hearing before the Homeland Security and Governmental Affairs Committee on two critical nominations for key positions within the Department of Homeland Security. The Senate has the responsibility to ensure that the best qualified and most able people serve our country. I ask unanimous consent that my statement

for that hearing be included in the RECORD.

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

Thank you Chairman Collins. I wish to add my welcome to Mr. Baker, Ms. Myers, and their families and friends.

You are both here because you wish to continue your careers in public service by serving as Assistant Secretaries in the Department of Homeland Security (DHS). These positions demand individuals who have demonstrated extensive executive level leadership and the ability to manage a sizable budget and diverse workforce. Mr. Baker, if confirmed, you will be the first DHS Assistant Secretary for Policy, and you will help define the role of the Office of Policy.

Ms. Myers, you have been nominated to lead Immigration and Customs Enforcement, an agency that is currently facing significant financial and human resource management challenges.

While every nomination considered by the Senate is important, I believe that today's hearing will be watched carefully by the American people, who are looking to this Committee to make sure we ask the appropriate, and sometimes tough, questions. The people of Hawaii, like all Americans, want to make sure that those leading DHS have the necessary experience and qualifications.

The creation of DHS in 2003 was the largest reorganization of the federal government since the Department of Defense was established in 1947. The merging of 22 legacy agencies into a single agency has created management challenges that DHS will face for years to come. Because of these significant challenges, DHS needs strong leaders. A qualified candidate must possess extensive experience managing people and budgets in addition to having experience in immigration or law enforcement or intelligence.

I am especially concerned about the current state of ICE, which is the second largest federal law enforcement agency with a \$4 billion budget and over 15,000 employees in over 400 offices around the world.

ICE has extraordinary reach, extraordinary responsibilities for our national security, and extraordinary problems.

Financial difficulties have resulted in hiring freezes and reductions in training, bonuses, and travel. ICE's financial crisis has resulted in DHS reprogramming \$500 million in FY 04 and FY 05 funds and requesting an additional \$267 million in the April 2005 emergency supplemental. Despite assurances that ICE's financial problems have been resolved, DHS Inspector General Richard Skinner testified in July 2005 that ICE cannot properly account for millions of dollars every month due to its deficient financial management system. This financial crisis has had an adverse impact on the readiness and morale of the ICE workforce.

ICE needs strong, experienced leadership to repair these management problems.

Mr. Baker, the Administration has submitted legislation to the Congress that this Committee is now considering which would create the position of an Undersecretary for Policy. According to Secretary Chertoff's transmittal letter to the Congress on his proposal, dated July 13, 2005, the new Office

of Policy "will lead a unified, mission-focused policy approach" and will include a number of existing units, such as the Office of International Affairs, the Special Assistant to the Secretary for Private Sector Coordination, the Border and Transportation Security Policy and Planning Office, elements of the Border and Transportation Security Office of International Enforcement, the Homeland Security Advisory Committee, and the Office of Immigration Statistics. In addition, the Secretary is proposing to add a strategic policy planning office and a refugee policy coordinator.

This is an enormous range of new responsibilities and will require someone with extensive management experience and vision.

I would argue that the key focus of this office should be on strategic planning. Given the nature of the Department's enormous size and breadth of responsibilities, someone is needed who can provide focus and direction to the mission of preventing and responding to terrorist attacks and natural disasters.

Mr. Baker, you are being nominated for the position of Assistant Secretary with the expectation of moving into the Undersecretary position should the Congress pass the reform proposal. One of the issues this Committee will have to address is whether you will need to be reconfirmed at a later date for that higher position should you be confirmed for the Assistant Secretary position.

One of the lessons learned from the Hurricane Katrina response is that the senior officials of an agency should have demonstrated leadership skills. The positions of Assistant Secretary for ICE and Assistant Secretary for Policy are no exception.

I would like to draw the attention of my colleagues to one measure of leadership skills: the standards the Office of Personnel Management has developed for the government's career Senior Executive Service (SES).

To qualify for an SES position, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions/communications.

SES candidates demonstrate these qualifications through experience in key executive skills such as leading others to rapidly adjust organizational behavior and work methods; supervising and managing a diverse workforce; developing strategic human capital management plans; establishing performance standards and plans; managing the budgetary process; overseeing the allocation of financial resources; and developing and maintaining positive working relationships with internal groups and external groups such as Congress, the Office of Management and Budget, and the White House.

These qualifications and experiences help ensure that the federal government's senior executives have the ability to establish a clear vision for the organization and to drive others to succeed. While political appointees are not required to meet these qualifications, I believe it would be difficult for an agency head to be successful without them.

I look forward to this opportunity to hear from Mr. Baker and Ms. Myers. Thank you Madam Chairman.

TRIBUTE TO GENERAL RICHARD B. MYERS

Mr. ROBERTS. Mr. President, I rise today to recognize and pay tribute to General Richard B. Myers, Chairman of the Joint Chiefs of Staff, for his lifetime of service and unfaltering dedication to the United States Armed Forces and our country.

As both a soldier and a leader, spanning 40 years of military service, General Myers contributions to our peace and security, and that of our children and grandchildren, are a remarkable hallmark in military history. During trying times, under sometimes harsh scrutiny, and with high national security stakes at hand, General Myers has repeatedly shown his Kansas common sense, leading our military through two wars and a host of other challenges with a steady hand.

Dick Myers was well prepared for leadership. Born in Kansas City, MO, in 1942, General Myers graduated from Shawnee Mission North High School and attended Kansas State University, where he enrolled in the Air Force ROTC and was commissioned second lieutenant in 1965. After his commissioning, General Myers entered pilot training at Vance Air Force Base, Oklahoma. As a command pilot, he logged over 4,000 flying hours, including 600 combat hours over Vietnam and Laos. Serving in a wide variety of assignments over the next several decades, General Myers assumed the duties of Vice Chairman of the Joint Chiefs of Staff in March 2000.

On October 1, 2001, just weeks after the September 11 terrorist attacks, General Myers was named the 15th Chairman of the Joint Chiefs of Staff. As the first Vice Chairman to ascend to the office, General Myers served as the principal military advisor to the President, the Secretary of Defense, and the National Security Council, and played a critical role in the planning and execution of the Global War on Terrorism, including the important Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.

During General Myers tenure as the chairman, he was constantly faced with unique challenges and responsibilities with both frustrating and emotional circumstances, from the worst terrorist attacks on the United States in our proud history to fighting overseas wars against terrorists and the enemies of freedom and democracy. Yet, despite all of the challenges, General Myers maintained a positive, forward looking determination and attitude, and never faltered in his responsibility to our men and women serving in the armed forces today.

General Myers' tenure and accomplishments were not limited to the Global War on Terrorism, including operations in Iraq and Afghanistan. Under General Myers' leadership, the Joint Staff produced a far-reaching National Military Strategy, complemented by a National Military Strategic Plan for the War on Terrorism, to

guide the Armed Forces for the challenges of the 21st Century. This strategy serves as a template for the Global War on Terrorism, and was and will be truly instrumental in bringing freedom to the people of Iraq and Afghanistan.

General Myers also oversaw the establishment of the United States Northern Command, or NORTHCOM, the first combatant command responsible for the homeland defense of the continental United States. As part of this effort, the chairman advocated joint war fighting among the services and called on the entire U.S. Government to expand the culture of jointness in the interagency and international communities. General Myers has truly shown great leadership in his efforts to transform and modernize the military.

General Myers should also be recognized for his humanitarian role—a mission many times missing from the headlines. In late 2004, in response to the horrific events surrounding the Indian Ocean Tsunami, General Myers oversaw "Operation Unified Assistance", the largest coordinated and executed military humanitarian relief effort since the Berlin Air Lift. Designed to enable more than 15,000 Department of Defense personnel, 130 aircraft, and 20 United States Navy warships to distribute more than 400,000 gallons of water, 2,000 tons of food, and almost 3,000 tons of other supplies to those in need, the mission was a success.

General Myers' impeccable service and brave leadership are also reflected in the awards and decorations he has received throughout his career. General Myers is the recipient of the Defense Distinguished Service Medal with two oak leaf clusters, Distinguished Service Medal, Legion of Merit, Distinguish Flying Cross with oak leaf cluster, Meritorious Service Medal with three oak leaf clusters, Air Medal with eighteen oak leaf clusters, Air Force Commendation Medal, Joint Meritorious Unit Award with four oak leaf clusters, and Air Force Outstanding Unit Award with "V" device with three oak leaf clusters.

Mr. President, today I have mentioned but a few of General Richard Myers' numerous accomplishments. I not only consider General Myers a strong military leader, in times of both war and peace, and a critically important person in the defense of our great Nation, I am privileged to call him a friend and a colleague. I have often said that if I were in a gunfight on Front Street in Dodge City, KS, during our States' pioneer days, there is no person I would rather have by my side than Richard Myers. I know that a grateful Nation shares my appreciation for the general—a courageous and honorable man and a strong and steadfast military leader during a truly trying time, and I know my colleagues join me in paying tribute to him and his wife Mary Jo for the years they have dedicated to our country and to the betterment of the United States Armed Forces. General Myers, we wish you well.

ADDITIONAL STATEMENTS

TRIBUTE TO CPT WILLIAM "BILL" MARCLEY

• Mr. DEMINT. Mr. President, today I wish to congratulate CPT William F. "Bill" Marcley for his 38 years of service and commitment to saving lives and advancing emergency medical services.

Bill began this selfless work in 1967 after he and his wife were involved in a serious car accident, by turning the experience into an opportunity to serve as a volunteer on the Inter-City First Aid Squad in Lake Park, FL. After helping establish paramedic systems in four counties in Florida, Bill and his family moved to South Carolina in 1977, where he would serve three counties over the next 28 years in many capacities, including director of Fairfield County EMS and EMS Operations Manager in my home county of Greenville.

In addition to his full-time positions, Bill has found time to serve his community as United Way Coordinator for the Department of Public Safety, chairman of "Operation Heartbeat" for the American Heart Association, EMT instructor at Greenville Technological College, and he annually conducts over 100 special programs promoting public safety and emergency medical service education.

On behalf of myself and the State of South Carolina. I thank and commend Captain Marcley for the many contributions he has made in the lives of countless South Carolinians. Although he officially began his retirement on September 9, 2005, I know that his service to South Carolina is far from over, and I wish him and his wife, Arlene, many more happy and productive years together.●

TRIBUTE TO PAT BOONE

Mr. INHOFE. Mr. President, I rise today to pay tribute to acting and music legend Pat Boone.

While most of us remember him as one of the greatest singers of the 1950's, he is also known for his abiding Christian faith and strong moral standards which have sustained him throughout his life even during the height of his career in the entertainment industry.

Today, Mr. Boone is the spokesman for the 60 Plus Association, a non-partisan senior citizens advocacy group.

He recently was interviewed by John Gizzi with Human Events. I ask to have printed in the RECORD an article titled "Pat Boone on Politics, Porn, and the Death Tax".

The article follows.

[From Human Events Online, Aug. 19, 2005]

PAT BOONE ON POLITICS, PORN AND THE DEATH TAX

(By John Gizzi)

Pat Boone, 71, is one of America's most beloved entertainers. In the 1950s, he was the nation's second most popular singer after

Elvis Presley. His hits, "April Love" and "Love Letters in the Sand," were No. 1 for six and seven weeks respectively. He starred in 15 movies, including Journey to the Center of the Earth and State Fair. Long an active conservative Republican, Boone is currently spokesman for the 60 Plus Association. Last week, Boone spoke with Human Events Political Editor John Gizzi.

You have always been known in Hollywood as a conservative and a Christian. In 1961, in fact, you, Ronald Reagan, Roy Rogers and John Wayne addressed Dr. Fred Schwartz's all-Southern California anti-Communist rally. Has it become more difficult for someone [in Hollywood] to be a conservative and a Christian today?

PAT BOONE: I was not involved politically at that time. Then, I felt so strongly about anti-communism and I did read Fred Schwartz's book and then came his crusade at the sports arena. What Schwartz said in his book [You Can Trust the Communists—To Be Communists] made perfect sense to me. The phrase, "Better Red Than Dead," was sweeping college campuses at the time.

When my time came to say a few words, I quoted that sentiment. I said I've got four little girls and if it ever came to that, although I pray it never will, I would rather see my four daughters blown to heaven in an atomic blast than caught in the hell of a Communist United States.

It impressed Reagan and he quoted that a number of times, beginning by saying, "I once heard a young father say." That's what occurred that night.

My activism and my being very outspoken never abated after that and it has cost me as an entertainer. There is a visceral antipathy that producers, hirers and firers have. I feel myself in the other direction. I have feelings I have to control of anger and total disregard for certain actors and outspoken people in our business that I think are ruining American culture.

Do you care to name any names?

BOONE: When Norman Lear started People For the American Way, he asked to meet with me. He wanted me to be the voice of People For the American Way—its spokesman. He knew I had considerable influence and a high-profile among Christians and Middle America.

I said to him: "Look, I understand why you have these feelings. You want to promote your point of view. But your main concern is with the Christian right, isn't it?" He said, "That's right." I said, "I know you've been openly critical of [Rev.] Jerry Falwell. I know Jerry, although I'm not a member of the Moral Majority. He feels that what you're doing and saying and promoting is at least as harmful for America as you feel his point of view is. So why don't we get you two guys together? I have a feeling that so many of your concerns are similar. Since I know him, I think he'd be willing to meet with you."

Lear said, "No, I wouldn't meet with him." When I asked him why, he said, "He'll just quote Scripture and I don't know anything about that. I'm not going to meet with him." When he left, he knew I wasn't going to be his spokesman.

I'm on the unpopular side in the entertainment community. A number of entertainers, Jonathan Winters for one, say to me, "Boone, I believe everything I ever hear you say. But I don't dare say it." Now, here's a comedian who'll say anything if it's funny, but when it comes to politics or spiritual things, he knows that he's written off if he were to express himself as emphatically as he would really like to.

Why have you signed on with the 60 Plus Association, and why do you believe its premier cause, abolishing the estate tax, is so critical?

BOONE: [60 Plus President] Jim Martin, a former Marine and longtime friend of the President, contacted me and asked me if I wanted to join him and his organization. I had been asked to be a spokesman for a number of seniors' groups, but I put it off because I wasn't ready or willing to be considered a senior. Several years ago, in a 10K race here in Los Angeles, I chose a very public moment in front of the network affiliate cameras to come out of the closet and admit I am a senior. Since then, I haven't been reluctant to let people know that, yes, I am a senior and I do feel very concerned about Social Security and the economy and medical costs.

I have considered for many years that this estate tax is absolute robbery. You already pay taxes, you save money, you've been a good citizen and a responsible person, you save up something, maybe it compounds, but you've already paid tax on it. Now, when you have the poor judgment to die, the government steps in and says, "Thank you for doing that all these years. We'll take half of that." And maybe your folks have to sell the business and the house.

When Bing Crosby's [first] wife Dixie died [in 1952], going back that far, he had to sell assets to pay the estate tax. On top of losing his wife, he was losing assets on which he already paid taxes. I read this was the case and asked him, and he said, "Oh yes. You can't get away from the long arm of the IRS."

Some say that hip-hop, acid rock and similar modern music is destructive. Do you agree that a lot of it is harmful?

BOONE: Oh, yes, I've been very vocal about that, too. The culture is being dragged into the gutter, and the ones doing it are not just the performers, but the record company executives. It's calculated on their part because they realize there's some fascination, as we used to be fascinated with Jimmy Cagney in the gangster movies. But in the movies, the criminals always got caught and punished.

The executives found some years ago that this "gangsta rap" music was being bought and played by kids out in the suburbs. These are the well-to-do kids, not the black kids in the ghetto areas. They were not the ones subscribing to it and making this music so successful. It was the kids driving BMWs that their dads gave them that were playing it very loud and rattling windows of the houses they were going by. They've made a multi, multi-million dollar business out of it.

What's the answer to this? Are you talking about censorship?

BOONE: I had a real head-to-head with Robert Blake one night on the Merv Griffin Show about censorship. I said that no society can survive without some form of censorship. He said, "You're crazy. We don't have censorship. That's bad." I replied, "Wait a minute. The traffic light at the corner is a form of censorship. It says you stop so that someone else can go. And then you have your turn to go." We have laws on the books that prevent you from standing up in a theater and yelling, "Fire," or from walking down the street and opening your trench coat and exposing yourself. There are laws that tell you that you can't do certain things and that's what a society does to protect itself.

I believe we need censorship. I don't think the arts we call the arts—literature, movies and certainly not the airwaves—should be exempt from the rules society makes to protect itself. It's the sensibilities of kids and the females we used to call ladies we're talking about. Thanks to "Sex and the City" and this other stuff, they can be just as profane and filthy as men.

I've watched segments of "The Sopranos," and I just get so sick of the glamour. Talk about Cagney and Bogart. We're making national heroes out of gang bosses.

I do advocate censorship for a healthy society with three provisos: that it be majority-approved, self-imposed and voluntary. The "voluntary" and "self-imposed" may sound like the same thing. The society agrees that we need to protect ourselves, and there are certain bounds beyond which we don't want the public to be exposed to filth. But we will make the rules in a voluntary, majority-approved way. And they can be changed by majority opinion.

I have felt that a healthy society should draw some lines in the dirt and say, "You cannot cross over this line. You cannot say certain words on public television and cable or anything that's going to reach sensibilities. We are going to do something to defend our kids and our ladies and our families." But it's something you just can't even talk about in the entertainment industry. But I say, how are we going to protect ourselves if we don't demand responsibility?

One final point—friends in California say that you were urged to run for Congress as a Republican in 1968. Why didn't you do it?

BOONE: That was back when I had all of my kids at home. I just knew that it would be totally time-consuming and if I were elected, I'd have to do the job. I thought I could get elected. But I also knew if I was elected, I would do my best to be a good congressman. However, it would be very disruptive of my family life because I would spend a lot of time away from family. And also, I could never go back to being an entertainer. ●

#### RECOGNIZING SAN BERNARDINO'S TEAM INLAND

● Mrs. BOXER. Mr. President, I rise today to acknowledge the accomplishments of some incredibly focused and dedicated young athletes from southern California. This year, the members of Team Inland placed third in the Nike National Youth Basketball Tournament, became the Amateur Athletic Union, AAU, West Coast National Champions, and won the AAU Southern Pacific Division 1 Regional Tournament.

Team Inland is a nonprofit organization based in the city of San Bernardino. It is comprised of 11-year-olds, who commit their time to prepare for numerous weekend basketball tournaments throughout the year. In 2005, they won 77 percent of their games, earning impressive placements in many tournaments.

Making Team Inland's achievement even more meaningful is the fact that team members excelled academically while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average. It is clear that these young people have set high standards for themselves and put forth tremendous effort to meet them.

The members of 2005 Team Inland are: Marquise Drumwright, Ejiro Ederaine, Tyler Ervin, Quinton Lilley, Jordan Mathis, Myles Pearson, Isaiah Pooler, Kameron Presley, Chandler Scott, Justin Snavey, Dominique Walker, and Arther Ley Williams.

The Team Inland players have demonstrated their immense potential to achieve. I hope you are heartened, as I am, to learn of young people striving for personal excellence. I extend my sincere congratulations to Team Inland

and thank them for their great team spirit.●

#### HONORING WESTERN KENTUCKY NATIONAL MERIT SEMIFINALISTS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate five seniors within the region of West Kentucky, who have been recognized as National Merit Semifinalists. Their recent national recognition has given Kentucky reason to be proud.

The semifinalists are Mary Broadbent from Paducah Tilghman High School, Kyle Brockman from Heath High School, Sara Chen from Tilghman High School, Allison Crawford from Lone Oak High School, Callie Dowdy from Murray High School, Nicholas Ledgerwood from Heath High School, and Joseph Moore from Graves County High School. These students will go on to compete later this year for status as a National Merit Finalist and possible college scholarships.

I hope that you will join me today in both recognizing and congratulating these five high school seniors in their academic achievement. Their dedication and academic excellence serves as an example and inspiration for students throughout the Commonwealth of Kentucky. I wish them continued success throughout their academic careers.●

#### RETIREMENT OF KEN BUECHE FROM THE COLORADO MUNICIPAL LEAGUE

● Mr. SALAZAR. Mr. President, I rise to note the retirement of a Colorado leader: Ken Bueche, executive director of the Colorado Municipal League. On September 30, Ken Bueche is retiring as executive director of the Colorado Municipal League, a statewide association of 265 member cities and towns.

Ken Bueche earned his undergraduate degree from Colorado State University and his J.D. and Masters in Public Administration from the University of Colorado. In 1963, Ken came to CML as a law clerk and by 1974 rose to become the league's executive director, a position he has held now for more than 30 years.

He has been a long-time believer that local governments are closest to the people and often produce the best solutions for local challenges. He has helped lead the way for Colorado municipalities to streamline local tax collections, shore up their pension funds for first responders, and in 1982 launched a feasibility study that led, in 1982, to the establishment of a self-insurance pool that saves tax dollars and provides affordable insurance for cities, towns and special districts.

Ken was the first recipient of the Leo C. Riethmayer Public Administrator of the Year Award from the University of Colorado. He has served on the Board of Directors of the National League of Cities and is considered one of the

deans of the State municipal league executive directors corps.

Ken and his wife, Bernice, have five children and four grandchildren. Finally, after more than 30 years of diligent service to the people of Colorado, touching virtually every one of their lives, he will be able to delve back into the joys of his family.

I wish him all the best in his future, for he has given Colorado's cities and towns his very best for over three decades. He has been lauded as "a quiet Colorado legend," and he will be missed by all those who have worked alongside him.●

#### CONGRATULATING PHELPS ELEMENTARY SCHOOL AND ST. RAPHAEL THE ARCHANGEL

● Mr. BUNNING. Mr. President, today I rise to congratulate two outstanding Kentucky schools of distinction. Phelps Elementary School of Phelps and St. Raphael the Archangel of Louisville are recipients of the 2005 Schools of Distinction Award. This honor is presented nationally to 20 schools, of kindergarten through 12th grade, which have demonstrated exceptional commitment to achievement and innovation in education.

Phelps Elementary School and St. Raphael the Archangel were selected from more than 3,000 participating schools nationwide. Both schools were chosen as winners based on merit in each of 10 categories: overall academic achievement, literacy, science, mathematics, teamwork, leadership, collaboration, professional development, technical excellence and technical innovation. Phelps Elementary School was recognized for outstanding science achievement while St. Raphael the Archangel was recognized for outstanding professional development.

For their efforts the two schools will each be rewarded with a \$10,000 cash grant along with their school representatives receiving an all-expense paid trip to Washington, DC, to participate in an awards ceremony. These two schools represent the best in educational excellence and innovation. It is truly an honor to commend Phelps Elementary School and St. Raphael the Archangel as two of the finest schools in the Commonwealth of Kentucky.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

*To the Congress of the United States:*

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.

THE WHITE HOUSE, September 15, 2005.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3736. An act to protect volunteers assisting the victims of Hurricane Katrina.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance, amended, and ordered placed on the calendar:

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-3751. A communication from the Commissioner, Social Security Administration, transmitting, the report of a draft bill entitled "Social Security Amendments of 2005" received August 31, 2005; to the Committee on Finance.

EC-3752. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report entitled "The African Growth and Opportunity Act (AGOA) Competitiveness Report"; to the Committee on Finance.

EC-3753. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)"; to the Committee on Finance.

EC-3754. A communication from the Secretary, Health and Human Services, transmitting, the Administration's draft proposals that would protect and strengthen the financing of the Medicaid program, as described in the President's Fiscal Year 2006 Budget; to the Committee on Finance.

EC-3755. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles" (RIN0938-AM74) received on August 31, 2005; to the Committee on Finance.

EC-3756. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2005" (RIN0938-A004) received on August 31, 2005; to the Committee on Finance.

EC-3757. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Differential Earnings Rate for 2004 under Section 809" (Rev. Rul. 2005-58) received on August 22, 2005; to the Committee on Finance.

EC-3758. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 411(d)(6) Protected Benefits" (RIN1545-BC26)(TD 9219) received on August 22, 2005; to the Committee on Finance.

EC-3759. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2005" (Rev. Rul. 2005-63) received on August 31, 2005; to the Committee on Finance.

EC-3760. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stranded Cost No Rule" (Rev. Proc. 2005-61) received on August 31, 2005; to the Committee on Finance.

EC-3761. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of

Revenue Procedure 2002-49" (Rev. Proc. 2005-62) received on August 31, 2005; to the Committee on Finance.

EC-3762. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Staggered Remedial Amendment Period Revenue Procedure" (Rev. Proc. 2005-66) received on August 31, 2005; to the Committee on Finance.

EC-3763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interaction of section 420 and the Code and section 101 of the Medicare Prescription Drug Improvement and Modernization Act of 2003" (Rev. Rul. 2005-60) received on August 31, 2005; to the Committee on Finance.

EC-3764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collected Excise Taxes; Duties of Collector" (RIN1545-BB75)(TD 9221) received on August 31, 2005; to the Committee on Finance.

EC-3765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 951 for Determining Pro Rata Share" (RIN1545-BD49)(TD 9222) received on August 31, 2005; to the Committee on Finance.

EC-3766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan" (RIN1545-BC20)(TD 9223) received on August 31, 2005; to the Committee on Finance.

EC-3767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-31 relative to waiving prohibition on United States Military assistance with respect to Cambodia; to the Committee on Foreign Relations.

EC-3768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-26 relative to waiving prohibition on United States Military assistance with respect to the Dominican Republic; to the Committee on Foreign Relations.

EC-3769. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commodity Supplemental Food Program (CSFP)—Plain Language, Program Accountability, and Program Flexibility" (RIN0584-AC84) received August 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3770. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3771. A communication from the Secretary of Agriculture, transmitting, the report of draft bills relative to changes to the Commodity Credit Corporation funded Farm Bill programs, crop insurance and Food Stamp programs and requests authority to charge fees for several activities; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-3772. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Iron-Tungsten-Nickel Shot as Nontoxic for Hunting Waterfowl and Coots" (RIN1018-AT87) received on August 22, 2005; to the Committee on Energy and Natural Resources.

EC-3773. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Eighth Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment"; to the Committee on Homeland Security and Governmental Affairs.

EC-3774. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of service in the acting role for the position of Assistant Secretary for Veterans Employment and Training; to the Committee on Health, Education, Labor, and Pensions.

EC-3775. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Disclosure of Beneficial Ownership Reports" (RIN1557-AC75) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 360. A bill to amend the Coastal Zone Management Act (Rept. No. 109-137).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includable in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 1707. A bill for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mr. LIEBERMAN, Mr. BOND, Mr. CARPER, Mr. WARNER, Mrs. CLINTON, Mr. CHAFEE, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. THUNE):

S. 1708. A bill to modify requirements relating to the authority of the Administrator of General Services to enter into emergency leases during major disasters and other

emergencies; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mrs. CLINTON, Mr. CHAFEE, Mr. LIEBERMAN, Mr. WARNER, Mr. CARPER, Mrs. BOXER, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1709. A bill to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. VITTER):

S. 1711. A bill to allow the Administrator of the Environmental Protection Agency to waive or modify the application of certain requirements; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 1713. A bill to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. CHAFEE, Ms. MURKOWSKI, Mr. THUNE, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. CARPER, and Mrs. CLINTON):

S. 1714. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ:

S. Res. 239. A resolution supporting the goals and ideals of Infant Mortality Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN):

S. Res. 240. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS:

S. Res. 241. A resolution designating September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE):

S. Res. 242. A resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL):

S. Res. 243. A resolution expressing Support for the Pledge of Allegiance; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD):

S. Res. 244. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 314

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend the Public

Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 503

At the request of Mr. BOND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 627

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 769

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 793

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1049

At the request of Mr. FRIST, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1099

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1197

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1294, a bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

S. 1306

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1306, a bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1417

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1442

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1442, a bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes.

S. 1489

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1530

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1530, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1557

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1557, a bill to amend the Public Health Service Act to provide for a program at the National Institutes of Health to conduct and support research in the derivation and use of human pluripotent stem cells by means that do not harm human embryos, and for other purposes.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1648

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the

system for enhancing automobile fuel efficiency, and for other purposes.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1696

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1696, a bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S.J. RES. 23

At the request of Mrs. CLINTON, her name was added as a cosponsor of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 238

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 238, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

At the request of Mr. FRIST, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 238, supra.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1678

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1678 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. KERRY, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of amendment No. 1695 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1706

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1706 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1717

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mr. TALENT), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1717 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to bring the Senate's attention to a bill I introduced today, the Long-Term Care Act of 2005.

Baby boomers will begin to turn 65 years old in 2010 and by 2030, all 77 million baby boomers will have reached retirement age and the over 65 population will have doubled. The practicality of these conditions will require the Federal Government and most State governments to spend more money on health care. Presently, Federal and State Governments are spending billions of dollars to ensure the

health and well-being of our fellow citizens.

In one sector of the health care arena where costs are dramatically rising is in the area of long-term care. In 2000, spending on long-term care was estimated at \$123.1 billion and it is expected to triple to \$346.1 billion by 2040. Currently, 70 percent of long-term care costs are spent on nursing home care. The average cost of nursing home care is \$178 per day or \$60,000 per year. That is a significant burden on Federal and State Governments as well as the thousands of individuals who pay for that care out of pocket.

In addition, almost 75 percent of nursing home care is publicly funded. Medicaid spends about 58.7 percent on long-term care while Medicare spends 14.7 percent. According to the Council for Affordable Health Insurance, by the year 2030, Medicaid's nursing home expenditures are expected to reach \$130 billion a year.

If more people purchased private long-term care insurance, we could reduce Medicaid's future institutional-care expenses by more than \$40 billion each year, while giving those who are insured alternatives to nursing homes, including home care, adult daycare, foster care and assisted living. Congress has taken steps to give individuals more power to pay for their health care services such as long-term care. One such outstanding measure was the creation of Health Savings Accounts, HSAs.

I was pleased to support the passage of the Medicare Modernization Act. This landmark legislation created health savings accounts, which are a new way that people can pay for unreimbursed medical expenses such as deductibles, copayments, and services not covered by insurance like long-term care. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.

I am confident that with the creation of health savings accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care services of their own choosing, without being constrained by insurers or employers. Unfortunately, health savings accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for a number of costly health care expenses such as long-term care insurance and that is why we need to provide other options to help pay for this important investment.

Currently, thousands of Virginians and millions of Americans are saving in their retirement plans to have a comfortable life once they become seniors, be it 401(k) and 403(b) accounts.

These savings plans help prepare individuals for their future retirement or any unforeseen circumstance that may arise. Indeed, over 47 million Americans have 401(k) accounts with \$1.8 trillion saved. In addition, 6.4 million Americans have 403(b) accounts, amounting to over \$590 billion saved.

These are untapped funds that individuals should be allowed to use to help pay for their future health care needs. Current tax law and some retirement plans allow individuals, in extreme circumstances, to withdraw funds from their retirement accounts, but more often than not, a 10 percent excise tax applies for early withdrawal. In my opinion, that tax precludes the ability or desirability of individuals to provide for their and their families well-being and that is why I have introduced legislation to provide a new health care option to help address this unfortunate circumstance.

My legislation, the Long-Term Care Act, will allow individuals to use their 401(k) and 403(b) plans to purchase long-term care insurance with pretax dollars at any age and without early withdrawal penalty. Under the Long-Term Care Act, the consumer has the option to purchase long-term care insurance at the most appropriate amounts for their own needs and their spouses.

Today, only 6 percent of Americans own a long-term care policy. One of the reasons behind this dismally low figure is that individuals wait too long to purchase long-term care insurance. In fact, purchasing long-term care insurance at age 65 is about twice as expensive as purchasing it age 55. That is why we must encourage individuals to plan for their future health care needs and purchase long-term care insurance at an early age. By purchasing long-term care insurance at a younger age, individuals will be saving money in the long run and not depleting their life savings.

Our country is heading towards a demographic meltdown on long-term care costs. It is simply unsustainable for individuals and the government to maintain the current rate of spending without further endangering the state of health care in the United States.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

Every American should be preparing for future health care costs and it is important that we encourage people to take responsibility today for those costs, be it with the purchase of long-term care insurance or investment in a health savings account. If Virginians and Americans fail to act, it will result in an increased and unsustainable financial burden on the Federal Government and taxpayers.

My legislation, the Long-Term Care Act, is a commonsense approach that

will encourage individuals to plan for their future health care needs and help make long-term care insurance more affordable. While this may not be the solution for some people, it is another option for the millions of Virginians and Americans to help provide for their health and well-being or the health and well-being of loved ones. I look forward to the Senate's action on this legislation because it not only encourages Americans to plan for their future health needs but will also help sustain the viability of our Nation's health care system. I thank you for your time and I yield the floor.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to remove the current cap on the number of reverse mortgages that can be insured by the Federal Housing Administration (FHA). This legislation will ensure that eligible seniors have access to this important tool that allows them to continue to meet their expenses at a time when they have a reduced income. I am very pleased to be joined in this effort by Senator CRAPO, who is an original cosponsor of this legislation.

I represent a State with the second largest senior population in the United States. Many of these seniors have worked hard throughout their years and own their own homes. Many of them are also at a time in their lives when they are having trouble making ends meet. Reverse mortgages allow senior homeowners to convert part of their home equity into tax-free income. The homeowner receives payments from the lender rather than making monthly payments as with a regular mortgage. The homeowner may receive the money in one lump sum, fixed monthly payments, a line of credit, or a combination of these. These funds can be used by seniors to pay for expenses, while allowing them to stay in their own homes as long as possible. A reverse mortgage helps make services like home healthcare, adult daycare and assisted living a possibility for more American seniors. It can also be used to pay for needed home repairs and other living expenses.

Unfortunately, there is currently a statutory limitation on the number of FHA-insured reverse mortgages that can be issued. This cap has already been increased as the aggregate number of FHA-insured reverse mortgages came close to reaching the cap. Unless it is removed completely, many seniors may be denied the use of this program, which can help to make their later years more stable and comfortable. For this reason, I am pleased to introduce

this legislation to permanently remove the current cap.

I am also pleased to be working on this proposal with my colleague from Pennsylvania, Representative MICHAEL FITZPATRICK, who has introduced this legislation in the House. I am very hopeful that the 109th Congress will act to pass this important legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1710

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Reverse Mortgages to Help America's Seniors Act".

**SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.**

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation".

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1712

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Homeland Security Management Restructuring Act of 2005".

**SEC. 2. DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.**

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

“(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “UNDER SECRETARY” and inserting “DEPUTY SECRETARY OF HOMELAND SECURITY”;

(2) in subsection (a)—

(A) by inserting “The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.” before “The Secretary”;

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”;

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”; and

(B) in paragraph (2), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

“(C) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

“(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results;

“(2) shall serve for a term of 5 years, but may be removed by the Secretary of Homeland Security based upon an unsatisfactory annual determination under paragraph (5);

“(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a

satisfactory determination under paragraph (5) for the 3 most recent performance years;

“(4) shall enter into a publicly available annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

“(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).”

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

“Deputy Secretary of Homeland Security for Management.”

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1715

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

#### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.  
Sec. 2. Sunset provision.

#### TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

Sec. 101. Waivers and other actions.

Sec. 102. Providing additional support for students affected by Hurricane Katrina.

Sec. 103. Immediate aid to restart school operations.

Sec. 104. Use of 2004–2005 child count for ESEA and IDEA funding for sending local educational agencies.

Sec. 105. Payments for receiving local educational agencies.

Sec. 106. Teacher and paraprofessional reciprocity; delay.

Sec. 107. Assistance for homeless youth.

#### TITLE II—HIGHER EDUCATION

Sec. 201. Definitions.

Sec. 202. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.

Sec. 203. General waiver authority and required consultation.

Sec. 204. Notice of waivers, modifications, or extensions.

#### TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

##### Subtitle A—Assistance for Children With Disabilities

Sec. 311. Definitions.

Sec. 312. Use of 2004–2005 numbers of children for IDEA funding for sending states.

Sec. 313. Support for local educational agencies receiving children affected by Hurricane Katrina.

##### Subtitle B—Assistance for Individuals With Disabilities

Sec. 321. Rehabilitation Act of 1973.

Sec. 322. Assistive Technology Act of 1998.

#### TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

Sec. 401. Short title.

Sec. 402. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.

Sec. 403. Technical assistance and guidance.

Sec. 404. Authorization of appropriations.

#### TITLE V—HEAD START PROGRAMS

Sec. 501. Definitions.

Sec. 502. Income eligibility and documentation waivers.

Sec. 503. Technical assistance, guidance, and resources.

Sec. 504. Authorization of appropriations.

#### TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

Sec. 601. Department of Education Inspector General audit and report.

#### SEC. 2. SUNSET PROVISION.

The provisions of this Act (other than section 202(b)) shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

#### TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

##### SEC. 101. WAIVERS AND OTHER ACTIONS.

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) **REPORT ON WAIVERS.**—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

**SEC. 102. PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.**

(a) **GRANTS AUTHORIZED.**—From amounts appropriated under subsection (d), the Secretary of Education is authorized to make grants to eligible local educational agencies to enable such agencies to provide, to students displaced or affected by Hurricane Katrina—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(b) **DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—In this section, the term “eligible local educational agency” means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a significant number of students displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, as compared to the total student enrollment in the schools served by the agency.

(c) **INTERACTION WITH THE ESEA.**—

(1) **SUPPLEMENTAL EDUCATIONAL SERVICES.**—An eligible local educational agency providing services described in subsection (a)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school such student attends under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) **SPECIAL RULE.**—Section 9534(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914(a)) shall apply to the services, programs, and activities funded under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2006.

**SEC. 103. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.**

(a) **PURPOSE.**—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) **PAYMENTS AUTHORIZED.**—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments in accordance with subsection (c), in November of 2005, to local educational agencies in Louisiana, Mississippi, and Alabama that serve schools certified by the Secretary as being located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) **ELIGIBILITY AND CONSIDERATION.**—In determining whether to award a payment under this section, or the amount of the payment, the Secretary of Education shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the payment is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) **APPLICATIONS.**—Each local educational agency desiring a payment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(e) **USES OF FUNDS.**—

(1) **IN GENERAL.**—A local educational agency receiving a payment under this section shall use the payment for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) rental of mobile educational units and leasing of neutral sites or spaces;

(E) initial replacement of instructional materials and equipment, including textbooks;

(F) redeveloping instructional plans, including curriculum development;

(G) initiating and maintaining education and support services; and

(H) such other activities related to the purpose of this section that are approved by the Secretary.

(2) **PROHIBITIONS.**—Payments received under this section shall not be used for any of the following:

(A) Construction or renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in re-starting or re-opening schools.

(f) **SUPPLEMENT NOT SUPPLANT.**—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$900,000,000 for fiscal year 2006.

**SEC. 104. USE OF 2004-2005 CHILD COUNT FOR ESEA AND IDEA FUNDING FOR SENDING LOCAL EDUCATIONAL AGENCIES.**

In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for the 2006-2007 school year for a local educational agency, the Secretary of Education shall use the child count applicable for such agency that was calculated for the 2004-2005 school year if—

(1) such agency serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; and

(2) such agency, for the 2006-2007 school year, has a net loss of students as compared with the 2004-2005 school year.

**SEC. 105. PAYMENTS FOR RECEIVING LOCAL EDUCATIONAL AGENCIES.**

(a) **PAYMENTS AUTHORIZED.**—

(1) **IN GENERAL.**—Not later than December of 2005 and not later than 5 months after the date of the first payment made under this paragraph, the Secretary of Education shall make payments to eligible local educational agencies in accordance with subsection (d) to enable the agencies to improve the instruction of the displaced students served by the agencies.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency is eligible to receive a payment under paragraph (1) if the agency serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student who enrolled in such school.

(b) **DEFINITION OF DISPLACED STUDENT.**—In this section, the term “displaced student” means a student who enrolled in an elementary school or secondary school (including a charter school) served by a local educational agency because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) **NUMBER OF STUDENTS.**—Not later than December 15, 2005, and April 15, 2006, each eligible local educational agency shall submit to the Secretary of Education documentation that indicates the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools) served by such agency, including the number of displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(d) **AMOUNT OF PAYMENTS.**—The amount of a payment under subsection (a) for an eligible local educational agency shall equal the sum of—

(1) 50 percent of the product of the number of displaced students (not including displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) served by such agency as described in subsection (c) times the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than

fiscal year 2003) in the State in which such agency is located, and

(2) 50 percent of the product of the number of displaced students served by such agency who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) as described in subsection (c) times 125 percent of the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than fiscal year 2003) in the State in which such agency is located.

(e) **DISPLACED STUDENTS NOT TO COUNT FOR ESEA AND IDEA FUNDING.**—In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a local educational agency that receives a payment under this section, the Secretary of Education shall not count, for purposes of calculating such funding under such parts, displaced students served by such agency for whom a payment is received under this section.

(f) **USE OF FUNDS.**—A local educational agency receiving a payment under this section shall use such payment to enhance instructional opportunities for displaced students who enroll in elementary schools and secondary schools served by such agency, which uses may include—

(1) providing instructional services to such students;

(2) paying the compensation of personnel, including teacher aides, to provide instructional services to such students; and

(3) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing neutral sites or spaces.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000,000 for fiscal year 2006.

#### **SEC. 106. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.**

(a) **TEACHER AND PARAPROFESSIONAL RECIPROCITY.**—

(1) **TEACHERS.**—

(A) **AFFECTED TEACHER.**—In this subsection, the term “affected teacher” means a teacher who is displaced due to Hurricane Katrina to a State that is different from the State in which such teacher resided before Hurricane Katrina.

(B) **IN GENERAL.**—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Higher Education Act of 1965 (20 U.S.C. 7801(23)), on or before August 22, 2005, in the State in which such teacher resided before Hurricane Katrina.

(2) **PARAPROFESSIONAL.**—

(A) **AFFECTED PARAPROFESSIONAL.**—In this subsection, the term “affected paraprofessional” means a paraprofessional who is displaced due to Hurricane Katrina to a State that is different from the State in which such paraprofessional resided before Hurricane Katrina.

(B) **IN GENERAL.**—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on

or before August 22, 2005, in the State in which such paraprofessional resided before Hurricane Katrina.

(b) **DELAY.**—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

#### **SEC. 107. ASSISTANCE FOR HOMELESS YOUTH.**

(a) **IN GENERAL.**—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) **EXCEPTION AND DISTRIBUTION OF FUNDS.**—

(1) **EXCEPTION.**—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) **DISBURSEMENT.**—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on need, as determined by the Secretary, and such State educational agencies shall distribute funds to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$50,000,000.

### **TITLE II—HIGHER EDUCATION**

#### **SEC. 201. DEFINITIONS.**

In this title:

(1) **AFFECTED BORROWER.**—The term “affected borrower” means an individual who—

(A) was in repayment on a loan made, insured, or guaranteed under part B, D, or E of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.) on August 22, 2005, or enters or entered repayment after August 22, 2005 and before June 30, 2006; and

(B)(i) lives or lived in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) due to the effects of Hurricane Katrina; or

(ii) worked, as of August 22, 2005, in such an area.

(2) **AFFECTED INSTITUTION.**—The term “affected institution” means an institution of higher education, as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(3) **AFFECTED STUDENT.**—The term “affected student” means a student who was enrolled on August 29, 2005 in an affected institution.

(4) **DISTANCE EDUCATION.**—

(A) **IN GENERAL.**—The term “distance education” means a course or program that uses 1 or more of the technologies described in subparagraph (B) to—

(i) deliver instruction to students who are separated from the instructor; and

(ii) support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.

(B) **INCLUSIONS.**—For the purposes of subparagraph (A), the technologies used may include—

(i) the Internet;

(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(iii) audio conferencing; or

(iv) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

#### **SEC. 202. WAIVER AUTHORITY AND MODIFICATIONS TO CERTAIN PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965.**

(a) **WAIVER OF GRANT REPAYMENTS BY STUDENTS.**—Notwithstanding section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), the Secretary shall waive the amounts that students would otherwise be required to return to the Department of Education with respect to any grant assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for an affected student who was unable to attend, or whose attendance was interrupted, because of the impact of Hurricane Katrina on the student or an affected institution.

(b) **EXTENSION OF PERIOD FOR REPAYMENT OF STUDENT GRANT ASSISTANCE BY AFFECTED INSTITUTIONS.**—An affected institution shall calculate the amount of Federal Pell Grant funds and Federal Supplemental Educational Opportunity Grant funds that the affected institution is required to return in accordance with section 484B of the Higher Education Act of 1965, but the Secretary shall grant an extension until June 30, 2010, for the return of the funds to the Department of Education. If any affected institution does not return such grant funds in full by the July 1, 2010, the Secretary shall work out a repayment schedule with the affected institution that may include payment of interest. The Secretary may assess a penalty for failure to return such grant funds in full by July 1, 2010, or for failure to make a payment in accordance with a repayment schedule.

(c) **TEMPORARY LOAN DEFERMENT FOR AFFECTED STUDENTS WHO DO NOT ENROLL IN ANOTHER INSTITUTION.**—With respect to a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, an affected student who does not enroll in another institution of higher education at any time during the period beginning on August 22, 2005, and ending on and June 30, 2006, and is not eligible for an in-school deferment, shall be placed in deferment status for that period.

(d) **EXTENSION OF PERIOD FOR RETURN OF LOAN PROCEEDS TO THE LENDER OR THE PERKINS LOAN FUND BY AFFECTED INSTITUTIONS.**—An affected institution shall calculate the amount to be credited to outstanding balances on loans made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, but shall have until June 30, 2006 to remit the funds to the appropriate account or lender. If records related to such balances or loans were destroyed or are inaccessible as a result of Hurricane Katrina, affected institutions are encouraged to use additional sources of information regarding such balances or loans,

such as information from lenders and guaranty agencies. In the event an affected institution does not remit such amounts as required under the preceding sentence, the Secretary shall hold the affected student harmless, and shall make a payment on behalf of the affected student and take such action as the Secretary determines necessary to recover the amounts from the affected institution, including interest and penalties, as the Secretary determines appropriate.

(e) **AUTHORITY TO EXCEED ANNUAL LOAN LIMITS.**—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall permit an affected student to exceed the annual loan limits under part B, D, or E of title IV of the Higher Education Act of 1965 by an amount not greater than the applicable loan limit for such student under such part during the period beginning on July 1, 2005 and ending on June 30, 2006.

(f) **WAIVER AUTHORITY TO FACILITATE USE OF FEDERAL WORK-STUDY FUNDS.**—The Secretary is authorized—

(1) to make whatever arrangements the Secretary determines are necessary and feasible in order to transfer Federal work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) from an affected institution to an institution of higher education that enrolls an affected student during the 2005–2006 award year; and

(2) with respect to the Federal work-study funds that are transferred to an institution of higher education in accordance with paragraph (1), to waive all of the non-Federal share requirements under such part for the institution of higher education that enrolls the affected student during the 2005–2006 award year.

(g) **FORBEARANCE.**—Notwithstanding the provisions of part B, D, or E of title IV of the Higher Education Act of 1965, a lender, the Secretary, or an institution of higher education is authorized to provide not more than 1 year of forbearance to an affected borrower without documentation.

(h) **PROFESSIONAL JUDGMENT.**—A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student, or for a student or a parent who resides or resided on August 22, 2005, or was employed on August 22, 2005, in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina. The financial aid administrator shall adequately document the need for the adjustment. The Secretary is authorized to simplify such documentation for institutions of higher education that receive a significant number of affected students as compared to the total student enrollment at the institution.

(i) **MODIFICATION OF PART A OF TITLE II GRANTS AUTHORIZED.**—The Secretary is authorized to approve modifications to the requirements for Teacher Quality Enhancement Grants for States and Partnerships under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), at the request of the grantee—

(1) to assist States and local educational agencies to recruit and retain highly qualified teachers in a school district located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina; and

(2) to assist institutions of higher education, as defined in section 101 of such Act

(20 U.S.C. 1001), located in such area to recruit and retain faculty necessary to prepare teachers and provide professional development.

(j) **WAIVER AUTHORITY TO MODIFY AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III, AND OTHER GRANTS.**—The Secretary is authorized to modify the required and allowable uses of funds under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–21 et seq.), under part A or B of title III (20 U.S.C. 1057 et seq., 1060 et seq.), and under any other competitive grant program, at the request of an affected institution or other grantee, with respect to affected institutions and other grantees located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(k) **AUTHORITY TO EXTEND OR WAIVE REPORTING REQUIREMENTS UNDER SECTION 131(a).**—The Secretary is authorized to extend reporting deadlines or waive reporting requirements under section 131(a) of the Higher Education Act of 1965 (20 U.S.C. 1015(a)) for an affected institution.

(l) **DISTANCE EDUCATION STUDENT AND PROGRAM ELIGIBILITY.**—

(1) **PROGRAM ELIGIBILITY.**—Notwithstanding section 102(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)), an institution of higher education, other than a foreign institution, that offers education or training programs principally through distance education shall be considered to meet the definition of an institution of higher education under section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) if such institution—

(A) has been evaluated and determined to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

(i) is recognized by the Secretary under part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.); and

(ii) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3) of the Higher Education Act of 1965 (20 U.S.C. 1099b(n)(3));

(B) is otherwise eligible to participate in programs authorized under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(C) has not had its participation in programs under title IV of the Higher Education Act of 1965 suspended or terminated within the previous 5 years; and

(D) has not had, or failed to resolve, an audit finding or program review finding under the Higher Education Act of 1965 during the 2 years preceding the year for which the determination is made that, following any appeal to the Secretary, resulted in the institution being required to repay an amount that is equal to or greater than 25 percent of the total funds the institution received under the programs authorized under title IV of the Higher Education Act of 1965 for the most recent award year.

(2) **STUDENT ELIGIBILITY.**—Notwithstanding any provision of the Higher Education Act of 1965, an affected student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

**SEC. 203. GENERAL WAIVER AUTHORITY AND REQUIRED CONSULTATION.**

(a) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may

waive or modify any statutory provision of the Higher Education Act of 1965 or any regulation implementing such Act as the Secretary determines necessary in connection with the emergency or major disaster that was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(2) **ACTIONS AUTHORIZED.**—In carrying out paragraph (1), the Secretary is authorized to waive or modify any provision described in paragraph (1) as the Secretary determines necessary to ensure that—

(A) administrative requirements placed on affected students, affected borrowers, institutions of higher education, lenders, guaranty agencies and grantees are minimized to the extent possible without impairing the integrity of the higher education programs under the Higher Education Act of 1965, to ease the burden on such participants; or

(B) institutions of higher education, lenders, guaranty agencies, and other entities participating in the student financial assistance programs under title IV of the Higher Education Act of 1965, that serve an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina, may be granted temporary relief from requirements that are rendered infeasible or unreasonable due to the effects of Hurricane Katrina, including due diligence requirements and reporting deadlines.

(b) **CONSTRUCTION.**—Nothing in this section shall be construed to allow the Secretary to waive or modify any applicable statutory or regulatory requirements prohibiting discrimination in a program or activity, or in employment or contracting, under existing law (in existence on the date of the Secretary's action).

(c) **CONSULTATION.**—Prior to granting any waiver or modification under this section, the Secretary shall consult with the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives with respect to waivers or modifications under this section.

**SEC. 204. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.**

(a) **IN GENERAL.**—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall publish in the Federal Register a notice of the waivers, modifications, or extensions granted under section 202 or 203.

(b) **TERMS AND CONDITIONS.**—The notice described in paragraph (1) shall include information on the waivers, modifications, and extensions granted under section 202 or 203, and shall include the terms and conditions to be applied in lieu of the statutory and regulatory provisions waived, modified, or extended under section 202 or 203, respectively.

**TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES**

**Subtitle A—Assistance for Children With Disabilities**

**SEC. 311. DEFINITIONS.**

In this subtitle:

(1) **IN GENERAL.**—The terms “child with a disability”, “local educational agency”, “related services”, and “special education” have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) **AFFECTED BY HURRICANE KATRINA.**—The term “affected by Hurricane Katrina”, when used with respect to an individual, means an individual who resides or resided on August 22, 2005 in, or is or was enrolled on August 22,

2005, in a school located in, an area in which the President has declared that a major disaster or emergency exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(3) INFANT OR TODDLER WITH A DISABILITY.—The term “infant or toddler with a disability” has the meaning given such term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

**SEC. 312. USE OF 2004-2005 NUMBERS OF CHILDREN FOR IDEA FUNDING FOR SENDING STATES.**

(a) IN GENERAL.—In calculating funding under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for the 2005-2006 school year and the 2006-2007 school year for a State that meets the requirements of subsection (b), the Secretary of Education shall use data from the 2004-2005 school year to determine the number of children in such State for the purposes of—

(1) subsections (a) and (d)(3) of section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a) and (d)(3));

(2) section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419), if such State is eligible to receive an allocation under such section; and

(3) section 643(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1443(c)).

(b) SENDING STATES.—A State qualifies under this section if such State—

(1) includes an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; and

(2) for the 2005-2006 school year or 2006-2007 school year, has a net loss of students attending the schools located in the State, as compared with the 2004-2005 school year.

**SEC. 313. SUPPORT FOR LOCAL EDUCATIONAL AGENCIES RECEIVING CHILDREN AFFECTED BY HURRICANE KATRINA.**

(a) FLEXIBILITY FOR LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), for a fiscal year in which funds are appropriated under this section, the Secretary of Education shall provide a portion (as determined by the Secretary) of such funds to an eligible local educational agency for the purpose of providing early intervening services, as described in section 613(f) of such Act (20 U.S.C. 1413(f)), to a student who is affected by Hurricane Katrina—

(1) if the student has not been identified by such agency as needing special education and related services but has been identified as needing additional academic and behavioral support; or

(2) if the student's record of receiving special education and related services are not available but the parent or guardian of the student certifies that the student received special education and related services at the student's preceding school, until such time as an eligibility determination under section 614 of such Act (20 U.S.C. 1414) can be made, except that early intervening services under this paragraph shall not be provided for more than 90 days unless the school and parent or guardian agree that progress is being made toward obtaining the eligibility determination.

(b) RULE OF CONSTRUCTION.—In the case of a child with a disability who is affected by Hurricane Katrina and whose records are available to the local educational agency, nothing in this section shall be construed to supersede the transfer provisions of section 614(d)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)(C)).

(c) LIMITATION.—An eligible local educational agency providing early intervening

services under this section shall ensure that such services do not interfere with the special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to a child with a disability who is not affected by Hurricane Katrina and is enrolled in a school served by the eligible local educational agency.

(d) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that enrolls a student who is affected by Hurricane Katrina and who relocates to a school served by the local educational agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006.

**Subtitle B—Assistance for Individuals With Disabilities**

**SEC. 321. REHABILITATION ACT OF 1973.**

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term “affected State” means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) EMERGENCY.—The term “emergency” means an emergency declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term “individual with a disability affected by Hurricane Katrina” means an individual with a disability who—

(A) resided on August 22, 2005 in an area in which the President has declared that a major disaster exists; and

(B) resides in an area in which the President has declared that an emergency or major disaster exists.

(5) MAJOR DISASTER.—The term “major disaster” means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(b) REALLOTMENTS OF FUNDS.—

(1) IN GENERAL.—In reallocating funds to States under section 110(e)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(e)(2)) for fiscal year 2005 the Secretary shall give preference to affected States.

(2) WAIVERS.—If the Secretary reallocates funds under section 110(e)(2) of the Rehabilitation Act of 1973 to an affected State for a fiscal year, the State may submit an application to the Commissioner of the Rehabilitation Services Administration requesting a waiver of non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.) for that fiscal year. The Commissioner shall develop criteria for granting or denying such applications.

(c) COMMUNITY DEVELOPMENT APPRENTICESHIPS.—An affected State that receives reallocated funds as described in subsection (b) may use the funds to pay for apprenticeship programs (which may include training, mentoring, or job shadowing opportunities) that contribute to the economic growth and development of communities, to enable individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005.

**SEC. 322. ASSISTIVE TECHNOLOGY ACT OF 1998.**

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms defined in section 321(c) have the meanings given the terms in that section.

(2) ASSISTIVE TECHNOLOGY DEVICE.—The term “assistive technology device” has the meaning given the term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

(b) PROGRAMS.—An affected State that receives a grant under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003) may submit an application to the Commissioner of the Rehabilitation Services Administration requesting authority, for a 90-day period, to use the funds made available through the grant for device reutilization programs, device loan programs, and device demonstrations, described in that section and for programs that directly provide assistive technology devices purchased by or donated to the State, in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices that were damaged or lost in the emergency or major disaster involved. The Commissioner shall develop criteria for approving or denying such applications.

(c) USE OF FUNDS.—An affected State that, in accordance with authority received under subsection (b), uses funds made available through such a grant for activities described in subsection (b) during the 90-day period described in subsection (b) may treat such funds as having been used to carry out activities under section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)), for purposes of meeting the use of funds requirements of section 4(e) of such Act (29 U.S.C. 3003(e)).

(d) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to affected States with approved applications under subsection (b) to enable the States to carry out programs described in subsection (b) in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices as described in that subsection. In the case of a State that receives a grant under this paragraph, the State may obligate the funds made available through the grant during the 90-day period applicable to the State under subsection (b).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for fiscal year 2006, to remain available as necessary to permit obligations described in paragraph (1).

**TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Child Care Disaster Assistance Act of 2005”.

**SEC. 402. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.**

(a) AUTHORITY.—For such period (ending not later than March 31, 2006), and to such extent as the Secretary of Health and Human Services considers to be appropriate, the Secretary may waive the provisions described in subsection (b) for any area with respect to which the President has determined that an emergency, or a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), exists, related to Hurricane Katrina, for the purpose of providing child care services to children orphaned, or of families displaced, as a result of Hurricane Katrina.

(b) PROVISIONS.—The provisions referred to in subsection (a) are provisions of the Child

Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to income limitations on eligibility to receive child care services for which assistance is provided under such Act;

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act;

(3) requiring the application of section 658G to States in which an area described in subsection (a) is located;

(4) requiring a copayment or other cost sharing by the families that receive child care services for which assistance is provided under such Act; and

(5) preventing children designated as evacuees from receiving priority for child care services for which assistance is provided under such Act, except that children residing in an area and currently receiving services on August 22, 2005 shall not lose such services in order to accommodate evacuee children.

**SEC. 403. TECHNICAL ASSISTANCE AND GUIDANCE.**

The Secretary may assist States to provide technical assistance and guidance to child care providers who are licensed and regulated, as applicable, by the States, in order to enable the providers to provide child care services for children and families described in section 402(a).

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to provide for child care services for children and families described in section 402(a) as provided for in section 402, and to carry out section 403, \$112,000,000 for fiscal year 2006.

**TITLE V—HEAD START PROGRAMS**

**SEC. 501. DEFINITIONS.**

In this title:

(1) **CHILDREN AFFECTED BY HURRICANE KATRINA.**—The term “children affected by Hurricane Katrina” means a child who is not older than 5 and who resides or resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) **IMPACTED HEAD START AGENCIES.**—The term “impacted Head Start agency” means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) **MAJOR DISASTER.**—The term “major disaster” means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

**SEC. 502. INCOME ELIGIBILITY AND DOCUMENTATION WAIVERS.**

The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

**SEC. 503. TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.**

The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources through other regional offices of the Administration, at the request of such offices, that administer impacted Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to impacted Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

**SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to provide for Head Start services (including

Early Head Start services) to children affected by Hurricane Katrina as provided for in section 502, and to carry out section 503, \$45,000,000 for fiscal year 2006.

**TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT**

**SEC. 601. DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT.**

(a) **IN GENERAL.**—The Inspector General of the Department of Education (referred to in this section as the “Inspector General”) shall conduct an audit and investigation of each program carried out by the Department of Education that includes response and recovery activities related to Hurricane Katrina.

(b) **WEEKLY REPORT.**—Not less frequently than once a week, the Inspector General shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives listing the audits and investigations initiated pursuant to subsection (a).

(c) **STATUS REPORT.**—Not later than 6 months after the date of enactment of this section, and biannually thereafter until the audits and investigations described in subsection (a) are complete, the Inspector General shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the full status of the activities of the Inspector General under this section.

(d) **COOPERATIVE VENTURES.**—In carrying out this section, the Inspector General is encouraged to enter into cooperative ventures with Inspectors General of other Federal agencies.

Mr. KENNEDY. Mr. President, it is an honor to join the chairman of the HELP Committee, Senator ENZI, in introducing a bill to bring much needed support and relief to students, educators, and schools affected by Hurricane Katrina. The assistance cannot come too soon.

I want to thank the chairman and his staff for all their hard work and for working together with us to deliver this relief as quickly as possible.

We are all familiar with the devastation that hurricanes can cause to communities. In the past, some of the most destructive storms temporarily closed schools in those communities. Yet those closures were fairly limited and brief. In the aftermath of Hurricane Andrew in 1992, the Army, Navy, and National Guard joined in helping to repair classrooms and reopen school doors in about 3 weeks. Last year, Florida schools damaged by Hurricane Charley reopened within a month, and students were quickly back on track in their classrooms.

But Hurricane Katrina became a different type of devastation, and the magnitude of its damage is vastly more extensive.

More than 700 schools and 30 colleges and universities have been damaged and destroyed. Almost all of them have been closed at least temporarily. Many of them will not open until January at the earliest. Some are in danger of not reopening at all.

The number of students affected is staggering. The estimated total popu-

lation of displaced elementary and secondary students is 373,000. Over 100,000 college students have been affected by the disaster, and 18,500 Head Start or Early Head Start children have been affected.

These are not just statistics. From this disaster we have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

Fortunately, America has begun to respond.

School districts across the country have pledged to accommodate displaced students in their schools. Colleges and universities are graciously opening their doors to such students. The Nation is grateful to the school principals and superintendents, and the college presidents and deans who have pledged their help.

But they need help as they struggle to accommodate these students. Congress must do our part to respond, to help these devastated communities get back on their feet and enable students to return to school. We need a response that is as caring and as generous as the American spirit.

Congress has a responsibility to do all it can to support the needs of students, educators, and schools. We need to direct efforts to all stages of education—from early childhood through college. Let's make sure that these elementary and secondary children don't lose a year of education and that these college students can pursue their post-secondary degrees. We need to act quickly to provide the support needed to cope with and overcome this tragedy and rebuild the future.

This bill begins the process by strengthening support for educational institutions affected by Hurricane Katrina. It addresses the needs of early education, elementary and secondary education, higher education, and students with disabilities.

Thousands of young children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

The bill facilitates enrollment in Head Start and Early Head Start by waiving income eligibility and other requirements, so that families affected by Katrina will be able to enroll their children more easily. It authorizes funds for affected Head Start centers—providing additional guidance, technical assistance, and resources.

We must do more to provide for elementary and high schools struggling to cope with the harsh reality of the aftermath of Hurricane Katrina. Because of closures and the inability to obtain and maintain records, we need to temporarily postpone reporting requirements at affected schools. We must also provide them with financial support while they are closed to ensure they have the financial stability to reopen.

The bill authorizes the Secretary of Education to waive reporting requirements, assessments, and school improvement and corrective action for states, local educational agencies, and schools affected by Hurricane Katrina.

It directs schools in the declared disaster area to use child count numbers collected during the 2004–2005 academic year in seeking Federal funds for the 2006–2007 school year. The Secretary is authorized to award special school reopening grants to districts and communities significantly affected by Hurricane Katrina. These grants will aid in the effort to retain highly qualified teachers, recover data, establish temporary facilities, and take other related steps necessary to reopen the schools. It also provides funds for after-school services and supplemental educational services to states affected by Hurricane Katrina.

In addition, we need to acknowledge the efforts of school districts in Texas, Georgia, Florida, and other States that offer schooling to displaced students. School districts in those States deserve funds to help ease the transition of students into new schools, support basic instruction, and purchase books and materials. We need to help these schools temporarily expand their facilities to avoid overcrowding.

The bill authorizes the Secretary of Education to make payments to local educational agencies that enroll displaced students. To alleviate the demand for qualified teachers, the Secretary is authorized to encourage States to extend temporary reciprocity for certification of school personnel across State lines. Teachers certified as highly qualified in one State will be recognized as meeting this standard in other States as well. The bill also modifies title II of the Higher Education Act to target teacher recruitment and retention efforts to the changing needs of the area.

We must also help college students find temporary relief so they don't lose a semester or a year of college, and give them the financial assistance they need to continue.

Students unable to attend a college because of the disaster will be exempted from returning grant aid under title IV of the Higher Education Act. These students will be able to place outstanding loans in deferment for the remainder of the 2005–2006 academic year. Additionally, financial aid administrators will be encouraged to use greater flexibility in professional judgment in evaluating the needs of college students affected by Hurricane Katrina.

We must also consider the needs of borrowers. College graduates residing in the declared disaster area who lose their jobs deserve temporary relief on their loan repayments. The bill provides a deferment until June, 2006, during which borrowers will not need to pay down the principal on their student loans.

To ease the burdens faced by colleges and universities in the declared dis-

aster area, the Secretary is authorized to waive various Federal reporting requirements for colleges and universities. Schools will have up to 5 years to return unallocated Pell grants and supplemental educational opportunity grants. If needed, the Secretary will be able to work with schools after the deadline to arrange a repayment schedule. The bill offers colleges a flexible timeline for crediting undisbursed student loans. Schools have until the end of the academic year or June 30, 2006, to return such funds.

To assist colleges in enrolling displaced students, the Secretary is authorized to make arrangements to transfer Federal work-study funds from affected institutions to receiving institutions.

Finally, we must not neglect the needs of children with disabilities, teachers, and schools providing special education. Hurricane Katrina has thrown many children and families into a situation of having lost or having no records to document their child's special education experience. In addition, many children who were previously not students under IDEA may very well become students under IDEA. The bill requires schools to provide early intervening services to all children who need academic or mental health support to benefit from school. This will allow the time for children to sort out an individual needs to be identified. The bill also permits States and local education agencies to use data from either the 2005 or 2004 fiscal years for reporting and funding purposes to accommodate enrollment fluctuations and guarantee funding for teachers and schools to remain stable.

States will also be able to guarantee continuing special education services to students who do not relocate to another State. States, under the Development Disabilities Act, will have the flexibility to use funds to replace assistive technology and durable medical equipment for individuals with disabilities, and under the Vocational Rehabilitation Act will have the flexibility to develop apprenticeship programs to educate people with disabilities to be part of reconstruction efforts.

In the weeks and months ahead, we must also focus on rebuilding and reconstructing the schools devastated by the tragedy so that, as soon as possible, children can return to schools fully stocked with the resources they need. We must also consider strategies to encourage students and educators to return to their schools.

Last week, Senator ENZI and I heard moving testimony in the HELP Committee from Dr. Diane Roussel, superintendent of schools in Jefferson Parish in Louisiana. The parish lies south of New Orleans and was in the direct path of Katrina, and the district's schools, students, and teachers were all severely affected by the disaster.

In her closing remarks, Dr. Roussel emphasized the importance, necessity, and urgency of reopening the schools in

her district. When schools reopen, she said, people return. When schools reopen, business returns, and life begins to return to normal.

In the coming days and weeks, we must work to help life return to normal again for the hundreds of thousands of lives affected by Hurricane Katrina. This education bill is an impressive first step. I urge Congress to continue the work we begin today to meet the needs of the entire Gulf Coast community to reopen its schools.

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#### SUBMITTED RESOLUTIONS

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#### SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. MARTINEZ submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010, as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.

SENATE RESOLUTION 240—EX-PRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that “the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world”;

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that “Zionism is a form of racism and racial discrimination” and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous “blood libel” that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to

caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: “It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.”;

Whereas in 2004, the United Nations General Assembly’s Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and “recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .”;

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

*Resolved, That—*

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

SENATE RESOLUTION 241—DESIGNATING SEPTEMBER 2005, AS “LEUKEMIA, LYMPHOMA, AND MYELOMA AWARENESS MONTH”

Mr. JEFFORDS submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

*Resolved, That the Senate designates September 2005, as “Leukemia, Lymphoma, and Myeloma Awareness Month” to—*

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD APPOINT AN INDIVIDUAL TO OVERSEE FEDERAL FUNDS FOR THE HURRICANE KATRINA RECOVERY, AND FOR OTHER PURPOSES

Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 242

It is the sense of the Senate that the President, in order to efficiently coordinate and monitor spending, avoid duplication, and eliminate waste, fraud, and abuse, shall appoint an individual to oversee all federal work and the obligation of all federally appropriated funds for the purpose of Hurricane Katrina recovery, rehabilitation, and reconstruction.

SENATE RESOLUTION 243—EX-PRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr.

CORNYN, Mr. BROWNBAC, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

## S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

*Resolved,*

SEC. 1. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow*, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue

to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance.

## SENATE RESOLUTION 244—EX-PRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

## S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

*Resolved,*

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in *Newdow v. the Congress of United States of America*, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, supra.

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, supra.

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations

for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina.

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

**SEC. 522. UNLAWFUL INTERNET GAMBLING.**

(a) **SHORT TITLE.**—This section may be cited as the "Unlawful Internet Gambling Enforcement Act of 2005".

(b) **FINDINGS.**—Congress finds the following:

(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

(c) **PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.**—

(1) **IN GENERAL.**—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

**“§ 5361. Definitions**

"In this subchapter, the following definitions shall apply:

“(1) BET OR WAGER.—The term ‘bet or wager’—

“(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

“(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

“(C) includes any scheme of a type described in section 3702 of title 28;

“(D) includes any instructions or information pertaining to the establishment or movement of funds in, to, or from an account by the bettor or customer with regard to the business of betting or wagering; and

“(E) does not include—

“(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(a)(47)) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

“(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

“(iii) any over-the-counter derivative instrument;

“(iv) any other transaction that—

“(I) is excluded or exempt from regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

“(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) or section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 77bb(a)); or

“(III) is conducted in accordance with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

“(v) any contract of indemnity or guarantee;

“(vi) any contract for insurance;

“(vii) any deposit or other transaction with an insured institution; or

“(viii) any participation in a simulation sports game, an educational game, or a contest, that—

“(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

“(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

“(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

“(2) BUSINESS OF BETTING OR WAGERING.—The term ‘business of betting or wagering’ does not include a financial transaction provider, or any interactive computer service or telecommunications service.

“(3) DESIGNATED PAYMENT SYSTEM.—The term ‘designated payment system’ means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

“(4) FINANCIAL TRANSACTION PROVIDER.—The term ‘financial transaction provider’ means a creditor, credit card issuer, financial institution, operator of a terminal at

which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network.

“(5) INTERNET.—The term ‘Internet’ means the international computer network of interoperable packet switched data networks.

“(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the same meaning as in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(7) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under section 5362.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) UNLAWFUL INTERNET GAMBLING.—

“(A) IN GENERAL.—The term ‘unlawful Internet gambling’ means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

“(B) INTRASTATE TRANSACTIONS.—The term ‘unlawful Internet gambling’ does not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is placed and received or otherwise made within a single State;

“(ii) the bet or wager is expressly authorized by and placed in accordance with the laws of such State, and such State's laws or regulations include—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located outside of such State; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's laws or regulations; and

“(iii) the bet or wager does not violate any provision of the—

“(I) Interstate Horseracing Act (15 U.S.C. 3001 et seq.);

“(II) Professional and Amateur Sports Protection Act (28 U.S.C. 3701 et seq.);

“(III) Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

“(IV) Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(C) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

“(10) OTHER TERMS.—

“(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms ‘credit’, ‘creditor’, ‘credit card’, and ‘card issuer’ have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’—

“(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that such term includes transfers that would otherwise be excluded under section 903(6)(E) (15 U.S.C. 1693a(6)(E)) of that Act; and

“(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that

such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

“(D) INSURED INSTITUTION.—The term ‘insured institution’ means—

“(i) an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

“(ii) an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)).

“(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

**“§ 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling**

“No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

“(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

“(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

“(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

“(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

**“§ 5363. Policies and procedures to identify and prevent restricted transactions**

“(a) REGULATIONS.—Not later than 270 days after the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to—

“(1) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means;

“(2) block restricted transactions identified as a result of the policies and procedures developed under paragraph (1); and

“(3) prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed—

“(A) to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction; and

“(B) not to disrupt the legal transactions of persons licensed to engage in the business of betting or wagering;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and

blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

“(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions without significant disruption of legal business transactions.

“(C) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

“(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

“(A) identify and block restricted transactions; or

“(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

“(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

“(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor, a restricted transaction or a transaction that such person reasonably believes to be a restricted transaction, or as a member of a designated payment system relies on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a), shall not be liable to any party for such action.

“(e) REGULATORY ENFORCEMENT.—Regulations issued by the Secretary under this subchapter shall be enforced by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

#### “§ 5364. Civil remedies

“(a) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this subchapter or the rules or regulations issued under this subchapter by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

“(b) PROCEEDINGS.—

“(1) INSTITUTION BY FEDERAL GOVERNMENT.—

“(A) IN GENERAL.—The United States, acting through the Attorney General, or, in the case of rules or regulations issued under this subchapter, through an agency authorized to enforce such regulations in accordance with this subchapter, may institute proceedings under this section to prevent or restrain a violation or a threatened violation of this subchapter or such rules or regulations.

“(B) RELIEF.—Upon application of the United States under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter or the rules or regulations issued under this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(2) INSTITUTION BY STATE ATTORNEY GENERAL.—

“(A) IN GENERAL.—The attorney general (or other appropriate State official) of a State in which a violation of this subchapter allegedly has occurred or will occur may institute

proceedings under this section to prevent or restrain the violation or threatened violation.

“(B) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(3) INDIAN LANDS.—

“(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for a violation of this subchapter or the rules or regulations issued under this subchapter that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

“(i) the United States shall have the enforcement authority provided under paragraph (1); and

“(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

“(B) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(c) EXPEDITED PROCEEDINGS.—In addition to any proceeding under subsection (b), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this subchapter or the rules or regulations issued under this subchapter, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

“(d) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

“(1) IN GENERAL.—Relief granted under this section against an interactive computer service shall—

“(A) be limited to the removal of, or disabling of access to, an online site violating this subchapter, or a hypertext link to an online site violating this subchapter, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5366;

“(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

“(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

“(D) specify the interactive computer service to which it applies; and

“(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

“(2) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084 of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

“(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

“(B) owns or controls, or is owned or controlled by, any person who operates, man-

ages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

“(e) FACTORS TO BE CONSIDERED IN CERTAIN CASES.—In considering granting relief under this section against any payment system, or any participant in a payment system that is a financial transaction provider, the court shall consider—

“(1) the extent to which the person extending credit or transmitting funds knew or should have known that the transaction was in connection with unlawful Internet gambling;

“(2) the history of such person in extending credit or transmitting funds when such person knew or should have known that the transaction is in connection with unlawful Internet gambling;

“(3) the extent to which such person has established and is maintaining policies and procedures in compliance with rules and regulations issued under this subchapter;

“(4) the extent to which it is feasible for any specific remedy prescribed as part of such relief to be implemented by such person without substantial deviation from normal business practice; and

“(5) the costs and burdens that the specific remedy will have on such person.

“(f) NOTICE TO REGULATORS AND FINANCIAL INSTITUTIONS.—Before initiating any proceeding under subsection (b), with respect to a violation or potential violation of this subchapter or the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General, an attorney general (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, shall—

“(1) notify such person, and the appropriate regulatory agency (as determined in accordance with section 5363(e) for such person) of such violation or potential violation and the remedy to be sought in such proceeding; and

“(2) allow such person not longer than 60 days to implement a remedy for the violation or potential violation, consistent with the factors described in subsection (e), and in conjunction with such action as the appropriate regulatory agency may take, if such person takes reasonable steps within that 60-day period to prevent the occurrence of such violation or potential violation pending implementation of such remedy.

#### “§ 5365. Criminal penalties

“(a) IN GENERAL.—Whoever violates section 5362 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

“(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

#### “§ 5366. Circumventions prohibited

“Notwithstanding section 5361(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

“(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

“(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet

website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

**“§ 5367. Rule of construction**

“No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

“Sec. 5361. Definitions.

“Sec. 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.

“Sec. 5363. Policies and procedures to identify and prevent restricted transactions.

“Sec. 5364. Civil remedies.

“Sec. 5365. Criminal penalties.

“Sec. 5366. Circumventions prohibited.

“Sec. 5367. Rule of construction.”

(d) INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.—

(1) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(B) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(C) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

**SA 1719.** Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 120, line 24, after the colon insert the following: “*Provided further*, That of the funds provided under this heading, \$5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs.”.

**SA 1720.** Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 147, line 5, strike “\$283,985,000” and all that follows through line 6 and insert the

following: \$483,985,000, to remain available until expended: *Provided*, That \$200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike “\$30,939,000: *Provided*” and insert the following: \$40,939,000: *Provided*, That \$10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

**SA 1721.** Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who willfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term “health-related services”, as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

**SA 1722.** Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Hurricane Katrina Tax Relief Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

**TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS**

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.

Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.

Sec. 103. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.

Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.

Sec. 105. Provisions relating to plan amendments.

**TITLE II—EMPLOYMENT RELIEF**

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.

Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

**TITLE III—CHARITABLE GIVING INCENTIVES**

Sec. 301. Temporary increase in limitation on individual and corporate charitable cash contributions.

Sec. 302. Tax-free distributions from individual retirement accounts for charitable purposes.

Sec. 303. Charitable deduction for contributions of food inventories.

Sec. 304. Charitable deduction for contributions of book inventories.

Sec. 305. Additional personal exemption amount for Hurricane Katrina houseguest.

Sec. 306. Increase in standard mileage rate for charitable use of passenger automobile.

**TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS**

- Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.
- Sec. 402. Modification to casualty loss rules for victims of Hurricane Katrina.
- Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
- Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.
- Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
- Sec. 406. Special rule for determining earned income.
- Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

**TITLE V—ADDITIONAL PROVISIONS**

Sec. 501. Disclosure to State officials of proposed actions related to exempt organizations.

Sec. 502. Dedication and use of certain fees.

**SEC. 2. HURRICANE KATRINA DISASTER AREA.**

For purposes of this Act, the term “Hurricane Katrina disaster area” means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

**TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS**

**SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.—

“(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the tax-

payer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(iii) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—Except as provided in clause (iv), for purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(iv) DOLLAR LIMITATION.—

“(I) IN GENERAL.—The term ‘qualified disaster-relief distribution’ shall not include any distributions with respect to any major disaster described in clause (iii)(I) to the extent the aggregate amount of such distributions exceeds \$100,000.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of controlled group which includes the employer) to such individual with respect to such major disaster exceeds \$100,000.

“(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means an area—

“(I) with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

“(II) which is determined by the President to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.”.

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following new subparagraph:

“(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and”.

(2) Section 403(b)(7)(A)(ii) is amended by inserting “sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G)),” before “or”.

(3) Section 403(b)(1) is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(4) Section 457(d)(1)(A) is amended by striking “or” at the end of clause (ii), by adding “or” at the end of clause (iii), and by adding at the end the following new clause:

“(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

**SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.**

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

**SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.**

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date,

make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which the President designated the area as a Hurricane Katrina disaster area.

**SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.**

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

**SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.**

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

**TITLE II—EMPLOYMENT RELIEF**

**SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.**

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term “Hurricane Katrina employee survivor” means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection

(b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 1-year period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 3-year period beginning on such date.

**SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.**

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at

such principal place of employment before significant operations have resumed.

(4) **READY RESERVE-NATIONAL GUARD EMPLOYEE.**—The term “Ready Reserve-National Guard employee” means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) **QUALIFIED ACTIVE DUTY.**—The term “qualified active duty” means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) **CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.**—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

### TITLE III—CHARITABLE GIVING INCENTIVES

#### SEC. 301. TEMPORARY INCREASE IN LIMITATION ON INDIVIDUAL AND CORPORATE CHARITABLE CASH CONTRIBUTIONS.

(a) **IN GENERAL.**—In the case of qualified contributions made during the period beginning on August 29, 2005, and ending on December 31, 2005, in the case of any taxable year which includes any portion of such period—

(1) subsection (b)(1)(A) of section 170 of the Internal Revenue Code of 1986 shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting “60 percent of the taxpayer’s contribution base less the other contributions allowable under this paragraph for the taxable year” for “50 percent of the taxpayer’s contribution base for the taxable year”, and

(2) subsection (b)(2) of section 170 of such Code shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting “15 percent of the taxpayer’s taxable income less the other charitable contributions allowable for the taxable year” for “10 percent of the taxpayer’s taxable income”.

(b) **QUALIFIED CONTRIBUTIONS.**—For purposes of this section, the term “qualified contributions” means any charitable contributions (as defined in section 170(c) of such Code) made in cash to an organization described in section 170(b)(1)(A) of such Code.

(c) **APPLICATION OF CARRYOVER RULES.**—For purposes of section 170 of such Code—

(1) qualified contributions shall not be taken into account under section 170(d)(1)(A)(i) of such Code in determining the amount of the deduction allowable under such section with respect to such contributions, and

(2) to the extent qualified contributions increase the amount allowable under section 170 of such Code by reason of subsection (a),

such contributions shall not be taken into account under section 170(d) of such Code.

(d) **FISCAL YEAR TAXPAYERS.**—In the case of a taxpayer whose taxable year ends after August 28, 2005, and before December 31, 2005, subsection (a) shall apply to only the one taxable year that the taxpayer elects.

#### SEC. 302. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

“(8) **DISTRIBUTIONS FOR CHARITABLE PURPOSES.**—

“(A) **IN GENERAL.**—No amount shall be includible in gross income by reason of a qualified charitable distribution.

“(B) **QUALIFIED CHARITABLE DISTRIBUTION.**—For purposes of this paragraph, the term ‘qualified charitable distribution’ means any distribution made after August 28, 2005, and before January 1, 2006, from an individual retirement account—

“(i) which is made directly by the trustee—

“(I) to an organization described in section 170(c), or

“(II) to a split-interest entity, and

“(ii) which is made on or after—

“(I) in the case of any distribution described in clause (i)(I), the date that the individual for whose benefit the account is maintained has attained age 70½, and

“(II) in the case of any distribution described in clause (i)(II), the date that such individual has attained age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

“(C) **CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.**—For purposes of this paragraph—

“(i) **DIRECT CONTRIBUTIONS.**—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(ii) **SPLIT-INTEREST GIFTS.**—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(D) **APPLICATION OF SECTION 72.**—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(E) **SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.**—

“(i) **CHARITABLE REMAINDER TRUSTS.**—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

“(ii) **POOLED INCOME FUNDS.**—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

“(iii) **CHARITABLE GIFT ANNUITIES.**—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

“(F) **DENIAL OF DEDUCTION.**—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

“(G) **SPLIT-INTEREST ENTITY DEFINED.**—For purposes of this paragraph, the term ‘split-interest entity’ means—

“(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

“(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

“(iii) a charitable gift annuity (as defined in section 501(m)(5)).”

(b) **MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.**—

(1) **RETURNS.**—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

#### “SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

“(a) **TRUSTS DESCRIBED IN SECTION 4947(a)(2).**—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

“(b) **TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).**—

“(1) **IN GENERAL.**—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

“(A) the amount of the deduction taken under section 642(c) within such year,

“(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

“(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

“(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

“(E) the total income of the trust within such year and the expenses attributable thereto, and

“(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to a trust for any taxable year if—

“(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

“(B) the trust is described in section 4947(a)(1).”

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

“(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

“(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

“(ii) in the case of any trust with gross income in excess of \$250,000, the first sentence of paragraph (1)(A) shall be applied by substituting ‘\$100’ for ‘\$20’, and the second sentence thereof shall be applied by substituting ‘\$50,000’ for ‘\$10,000’, and

“(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.”

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: “In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).”

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after August 28, 2005.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2004.

### SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

“(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

“(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

“(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer’s net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

“(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

“(C) DETERMINATION OF BASIS.—If a taxpayer—

“(i) does not account for inventories under section 471, and

“(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

“(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

“(i) without regard to such internal standards or such lack of market and

“(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term ‘apparently wholesome food’ has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

“(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

### SEC. 304. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

“(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

“(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

“(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

“(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

“(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

“(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

“(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

“(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

“(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee’s educational programs, and

“(II) the donee will use the books in its educational programs.

“(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term ‘bona fide published market price’ means, with respect to any book, a price—

“(I) determined using the same printing and edition,

“(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

“(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm’s length transactions within 7 years preceding the contribution of such a book.

“(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

### SEC. 305. ADDITIONAL PERSONAL EXEMPTION AMOUNT FOR HURRICANE KATRINA HOUSEGUEST.

(a) IN GENERAL.—In the case of the taxpayer’s taxable year beginning in 2005, the amount allowed as a deduction in computing taxable income of the taxpayer under section 151 of the Internal Revenue Code of 1986 shall be increased by the lesser of—

(1) the product of—

(A) \$500, and

(B) the number of Hurricane Katrina houseguests of the taxpayer, or

(2) \$2,000.

(b) HURRICANE KATRINA HOUSEGUEST.—For purposes of this section, the term “Hurricane Katrina houseguest” means any individual—

(1) who would not otherwise qualify for an exemption amount with respect to the taxpayer for the taxable year,

(2) whose principal place of abode in a Hurricane Katrina disaster area was rendered uninhabitable after August 28, 2005, and

(3) is provided shelter for not less than 60 days after August 28, 2005, and before January 1, 2006, by the taxpayer in the taxpayer’s principal place of abode.

(c) LIMITATION.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such shelter.

### SEC. 306. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a passenger automobile for the period beginning on August 29, 2005, and ending before January 1, 2006, the standard mileage rate shall be 60 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

### TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

#### SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income

by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) EXCEPTION.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) DENIAL OF DOUBLE BENEFIT.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

**SEC. 402. MODIFICATION TO CASUALTY LOSS RULES FOR VICTIMS OF HURRICANE KATRINA.**

In the case of an individual with a personal casualty loss which arises in connection with Hurricane Katrina—

(1) section 165(h)(2)(A) of the Internal Revenue Code of 1986 shall not apply, and

(2) in applying such section to other personal casualty losses during the taxable year, losses to which this section applies shall be disregarded.

**SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.**

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

“(A) Filing any return of income, estate, gift, employment, or excise tax;

“(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;”.

(b) APPLICATION TO VICTIMS OF HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

**SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.**

In the case of a residence located in a Hurricane Katrina disaster area, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence within 3 years after the date of the disaster declaration:

(1) Subsections (d), (e) and (f) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) Subsection (f)(3) of such section 143 shall be applied without regard to subparagraph (A) thereof.

(3) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above \$150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

**SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.**

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of

1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting “5 years” for “2 years” with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

**SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.**

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means any individual who was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual.

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

**SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.**

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

**TITLE V—ADDITIONAL PROVISIONS**

**SEC. 501. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) DISCLOSURE OF PROPOSED ACTIONS RELATED TO CHARITABLE ORGANIZATIONS.—

“(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

“(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

“(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

“(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

“(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

“(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

“(i) upon written request by an appropriate State officer, and

“(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

“(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

“(3) DISCLOSURE WITH RESPECT TO CERTAIN OTHER EXEMPT ORGANIZATIONS.—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

“(4) USE IN CIVIL JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

“(5) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) RETURN AND RETURN INFORMATION.—The terms ‘return’ and ‘return information’ have the respective meanings given to such terms by section 6103(b).

“(B) APPROPRIATE STATE OFFICER.—The term ‘appropriate State officer’ means—

“(i) the State attorney general,  
“(ii) the State tax officer,  
“(iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

“(iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting “and section 6104(c)” after “section” in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting “, or any appropriate State officer (as defined in section 6104(c)),” before “or any other person”;

(B) in subparagraph (F)(i), by inserting “or any appropriate State officer (as defined in section 6104(c)),” before “or any other person”;

(C) in the matter following subparagraph (F), by inserting “, an appropriate State officer (as defined in section 6104(c)),” after “including an agency” each place it appears.

(3) The heading for paragraph (1) of section 6104(c) is amended by inserting “FOR CHARITABLE ORGANIZATIONS” after “RULE”.

(4) Paragraph (2) of section 7213(a) is amended by inserting “or under section 6104(c)” after “6103”.

(5) Paragraph (2) of section 7213A(a) is amended by inserting “or 6104(c)” after “6103”.

(6) Paragraph (2) of section 7431(a) is amended by inserting “(including any disclosure in violation of section 6104(c))” after “6103”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

#### SEC. 502. DEDICATION AND USE OF CERTAIN FEES.

Notwithstanding section 202(c) of Public Law 108-89, the Secretary of the Treasury may retain and use fees from employee plan and exempt organization letter rulings and determination letters charged under section 7528 of the Internal Revenue Code of 1986—

(1) in fiscal years 2005 and 2006—

(A) for the administration of the provisions of, and amendments made by, this Act,

(B) to provide taxpayer assistance to any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, and

(C) to aid the Internal Revenue Service in repairing, rebuilding, and recovering from the damage to Internal Revenue Service offices, equipment, and support caused by Hurricane Katrina, and

(2) in any fiscal year after 2006—

(A) on oversight, enforcement, and administration by the Tax-Exempt and Govern-

ment Entities Division of the Internal Revenue Service, and

(B) on oversight, enforcement, and administration of section 170 of such Code.

**SA 1723.** Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes; as follows:

#### SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: *Provided*, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

**SA 1724.** Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title V, add the following:

#### SEC. 5 . SMALL BUSINESS FEES.

(a) 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.”.

**SA 1725.** Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 121, line 19, after the semicolon insert “of which not less than \$1,200,000 shall

be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;”.

**SA 1726.** Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 154, line 20, after “Iowa,” insert the following:

“the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois.”

On page 167, line 22, strike “(a)” through and including “required fee.” on page 170, line 11, and insert the following:

“The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

#### “SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.

“(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

“(b) LIMITATIONS.—

“(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

“(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

“(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

“(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

“(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

“(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

“(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

“(c) FEES.—

“(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited

to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

“(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

“(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.”.

**SA 1727.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 20, between lines 13 and 14, insert the following:

(j) PROHIBITION ON PERMITS FOR AQUACULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY WITH JURISDICTION TO REGULATE AQUACULTURE.—The term ‘agency with jurisdiction to regulate aquaculture’ means—

- (i) the Department of Agriculture;
- (ii) the Coast Guard;
- (iii) the Department of Commerce;
- (iv) the Environmental Protection Agency;
- (v) the Department of the Interior; and
- (vi) the Corps of Engineers.

(B) REGIONAL FISHERY MANAGEMENT COUNCIL.—The term ‘regional fishery management council’ means a regional fishery management council established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

(2) PROHIBITION.—The head of an agency with jurisdiction to regulate aquaculture may not issue a permit or license to permit an aquaculture facility located in the exclusive economic zone to operate until after the date on which a bill is enacted into law that—

(A) sets out the type and specificity of the analyses that the head of the agency with jurisdiction to regulate aquaculture shall carry out prior to issuing any such permit or license, including analyses relating to—

- (i) disease control;
- (ii) structural engineering;
- (iii) pollution;
- (iv) biological and genetic impacts;
- (v) access and transportation;
- (vi) food safety; and
- (vii) social and economic impacts of the aquaculture facility on other marine activities, including commercial and recreational fishing; and

(B) requires that a decision to issue such a permit or license be—

(i) made only after the head of the agency that issues the license or permit consults with the Governor of each State located within a 200-mile radius of the aquaculture facility; and

(ii) approved by the regional fishery management council that is granted authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) over a fishery in the region in which the aquaculture facility will be located.

**SA 1728.** Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ‘Hurricane Katrina Tax Relief Act of 2005’.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Hurricane Katrina disaster area.

**TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS**

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.

Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.

Sec. 103. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.

Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.

Sec. 105. Provisions relating to plan amendments.

**TITLE II—EMPLOYMENT RELIEF**

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.

Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

**TITLE III—CHARITABLE GIVING INCENTIVES**

Sec. 301. Temporary suspension of limitations on charitable contributions.

Sec. 302. Charitable deduction for contributions of food inventories.

Sec. 303. Charitable deduction for contributions of book inventories.

Sec. 304. Additional exemption for housing Hurricane Katrina displaced individuals.

Sec. 305. Increase in standard mileage rate for charitable use of passenger automobile.

Sec. 306. Mileage reimbursements to charitable volunteers excluded from gross income.

**TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS**

Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.

Sec. 402. Suspension of certain limitations on personal casualty losses.

Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.

Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.

Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.

Sec. 406. Special rule for determining earned income.

Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

**TITLE V—EMERGENCY REQUIREMENT**

Sec. 501. Emergency requirement.

**SEC. 2. HURRICANE KATRINA DISASTER AREA.**

For purposes of this Act, the term ‘Hurricane Katrina disaster area’ means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which—

(A) except as provided in subparagraph (B), is determined by the President before such date to warrant assistance from the Federal Government under such Act, and

(B) in the case of sections 201 and 202, is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

**TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS**

**SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.—

“(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

“(iii) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—Except as provided in clause (iv), for purposes of this subparagraph, the term ‘qualified disaster-relief distribution’ means any distribution—

“(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

“(II) which is made during the 1-year period beginning on the date such declaration is made.

“(iv) DOLLAR LIMITATION.—

“(I) IN GENERAL.—The term ‘qualified disaster-relief distribution’ shall not include any distributions for any taxable year to the extent the aggregate amount of such distributions exceeds \$100,000, reduced by the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

“(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

“(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term ‘qualified disaster area’ means an area—

“(I) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

“(II) which is determined by the President before such date to warrant assistance from the Federal Government under such Act.”.

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting at the end the following new subparagraph:

“(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and”.

(2) Section 403(b)(7)(A)(ii) is amended by inserting “sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),” before “or”.

(3) Section 403(b)(11) is amended by striking “or” at the end of subparagraph (A), by

striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(4) Section 457(d)(1)(A) is amended by striking “or” at the end of clause (ii), by adding “or” at the end of clause (iii), and by adding at the end the following new clause:

“(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

#### SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined).

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

#### SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible

retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term “disaster declaration date” means the date on which the President designated the area as a Hurricane Katrina disaster area.

#### SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(2) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

**SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.**

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

**TITLE II—EMPLOYMENT RELIEF****SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.**

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term “Hurricane Katrina employee survivor” means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection (b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 6-month period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 2-year period beginning on such date.

**SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.**

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(4) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term “Ready Reserve-National Guard employee” means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) QUALIFIED ACTIVE DUTY.—The term “qualified active duty” means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section 502(a) of title 32, United States Code (relat-

ing to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

**TITLE III—CHARITABLE GIVING INCENTIVES****SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.**

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—For purposes of this section, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code), and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

For purposes of subsection (b)(2), a contribution shall be treated as a qualified contribution only if the contribution is for relief efforts related to Hurricane Katrina.

**SEC. 302. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.**

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

“(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

“(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

“(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

“(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer’s net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

“(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

“(C) DETERMINATION OF BASIS.—If a taxpayer—

“(i) does not account for inventories under section 471, and

“(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

“(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

“(i) without regard to such internal standards or such lack of market and

“(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term ‘apparently wholesome food’ has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

“(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

**SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.**

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

“(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

“(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

“(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

“(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

“(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

“(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

“(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

“(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

“(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee’s educational programs, and

“(II) the donee will use the books in its educational programs.

“(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term ‘bona fide published market price’ means, with respect to any book, a price—

“(I) determined using the same printing and edition,

“(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

“(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm’s length transactions within 7 years preceding the contribution of such a book.

“(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

**SEC. 304. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.**

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be re-

duced by \$500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed \$2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term “Hurricane Katrina displaced individual” means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any Hurricane Katrina disaster area,

(2) is displaced from the person’s residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

**SEC. 305. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.**

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) for provision of relief related to Hurricane Katrina for the period beginning on August 29, 2005, and ending before January 1, 2007, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

**SEC. 306. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

**“SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.**

“(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under this chapter if section 274(d) were applied—

“(1) by using the standard business mileage rate established under such section, and

“(2) as if the individual were an employee of an organization not described in section 170(c).

“(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

“(c) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to the expenses under subsection (a).

“(d) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

“(e) TERMINATION.—This section shall not apply to use of a passenger automobile after December 31, 2006.”.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item

relating to section 139A the following new item:

“Sec. 139B. Mileage reimbursements to charitable volunteers”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to the use of a passenger automobile after the date of the enactment of this Act, in taxable years ending after such date.

#### TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

##### SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) **DENIAL OF DOUBLE BENEFIT.**—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) **EFFECTIVE DATE.**—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

##### SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

##### SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.**—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

“(A) Filing any return of income, estate, gift, employment, or excise tax;

“(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;”.

(b) **APPLICATION TO VICTIMS OF HURRICANE KATRINA.**—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

##### SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area which replaces a residence destroyed by Hurricane Katrina or which is being repaired for damage caused by Hurricane Katrina, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence

within 3 years after the date of the disaster declaration:

(1) Subsections (d) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above \$150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

##### SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting “5 years” for “2 years” with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

##### SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) **IN GENERAL.**—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) **QUALIFIED INDIVIDUAL.**—For purposes of this section, the term “qualified individual” means any individual whose principal place of abode was (as of August 28, 2005) in any Hurricane Katrina disaster area.

(c) **EARNED INCOME.**—For purposes of this section, the term “earned income” has the meaning given such term under section 32(c) of such Code.

(d) **SPECIAL RULES.**—

(1) **APPLICATION TO JOINT RETURNS.**—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) **UNIFORM APPLICATION OF ELECTION.**—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) **ERRORS TREATED AS MATHEMATICAL ERROR.**—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) **NO EFFECT ON DETERMINATION OF GROSS INCOME.**—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

##### SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or

the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

#### TITLE V—EMERGENCY REQUIREMENT

##### SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 1729.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, 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 173, after line 24, insert the following:

SEC. 7\_\_\_\_. None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

**SA 1730.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, 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 173, after line 24, insert the following:

SEC. 7\_\_\_\_. None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

**SA 1731.** Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, 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 173, after line 24, insert the following:

SEC. 7\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505 of such Act.

## 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 hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 27, 2005 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes.

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 a copy 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 Karen Billups or Amy Millet.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON BANKING, HOUSING AND URBAN  
AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 15, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Keith E. Gottfried, of California, to be General Counsel of the U.S. Department of Housing and Urban Development; Mr. Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service; Mr. Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary of Commerce; Ms. Kim Kendrick, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development; Mr. Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade; Mr. David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration; Mr. Keith A. Nelson, of Texas, to be Assistant Secretary of Housing and Urban Development; and Ms. Darlene F. Williams, of Texas, to be Assistant Secretary of Housing and Urban Development.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, at 2 p.m. to hold a hearing on U.S.-Indonesia Relations.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 15, 2005, at 10:30 a.m. to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

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

## COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Thursday, September 15, 2005 at 9:30 a.m., in the Hart Senate Office Building Room 216.

*Witness List*

Panel I: Stephen L. Tober, Esq., Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Portsmouth, NH; Tom Hayward, Esq., Past-Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Esq., DC Circuit Representative, American Bar Association, Washington, DC.

Panel II: The Honorable Dick Thornburgh, Former Attorney General of the United States, Former Governor of Pennsylvania, Counsel, Kirkpatrick & Lockhart Nicholson Graham, Washington, DC; The Honorable John Lewis, United States House of Representatives, D-GA-5th District; Jennifer Cabranes Braceras, Esq., Commissioner, U.S. Commission on Civil Rights and Visiting Fellow at the Independent Women's Forum, Boston, MA; Wade Henderson, Executive Director, Leadership Conference on Civil Rights, Washington, DC; Peter Kirsanow, Esq., Partner, Benesch, Friedlander, Copley & Aronoff and Commissioner, U.S. Commission on Civil Rights, Cleveland, OH; The Honorable Nathaniel Jones, Retired Judge, U.S. Circuit Court of Appeals to the Sixth Circuit, Of Counsel, Blank Rome LLP, Cincinnati, OH.

Panel III: Maureen E. Mahoney, Esq., Partner, Latham & Watkins, Washington, DC; Carol M. Browner, Former Administrator, U.S. Environmental Protection Agency, Principal, The Albright Group, Washington, DC; Kathryn Webb Bradley, Esq., Senior Lecturing Fellow, Duke Law School, Durham, NC; Anne Marie Tallman, President and General Counsel, Mexican American Legal Defense and Education

Fund, Los Angeles, CA; The Honorable Denise Posse-Blanco Lindberg, Judge, Third Judicial District Court, State of Utah, Salt Lake City, UT; Reginald M. Turner, Jr., President, National Bar Association, Detroit, MI.

Panel IV: Catherine E. Stetson, Esq., Partner, Hogan & Hartson, Washington, DC; Marcia Greenberger, Co-President, National Women's Law Center, Washington, DC; The Honorable Bruce Botelho, Former Attorney General, State of Alaska, Mayor of Juneau, Juneau, AK; Rockerick Jackson, Coach, Ensley High School, Birmingham, AL; Henrietta Wright, Esq., Of Counsel, Goldberg, Godles, Wiener and Wright and Chairman of the Board Dallas Children's Advocacy Center, Dallas, TX; Beverly Jones, Lafayette, TN.

Panel V: The Honorable Charles Fried, Former Solicitor General of the United States, Beneficial Professor of Law, Harvard Law School, Cambridge, MA; Peter B. Edelman, Professor of Law; Co-Director, Joint Degree in Law and Public Policy, Georgetown University Law Center, Washington, DC; Patricia L. Bellia, Professor of Law, Notre Dame Law School, South Bend, IN; Judith Resnik, Arthur Liman Professor of Law, Yale Law School, New Haven, CT; Christopher S. Yoo, Professor of Law, Vanderbilt University Law School, Nashville, TN; David Strauss, Harry N. Wyatt Professor of Law; University of Chicago Law School, Chicago, IL.

Panel VI: Diana Furchtgott-Roth, Senior Fellow, Hudson Institute, Washington, DC; Robert Reich, University Professor and Maurice B. Hexter, Professor of Social and Economic Policy, Brandeis University, Waltham, MA; Rabbi Dale Polakoff, President, Rabbinical Council of America, Great Neck, NY; Susan Thistlethwaite, President, Chicago Theological Seminary, Chicago, IL; The Honorable John Engler, Former Governor of Michigan, President, National Association of Manufacturers, Washington, DC; Karen Pearl, Interim President, Planned Parenthood Federation of America, New York, NY.

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

## COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, to mark up the following bills: Committee Print of S. 1182, Chairman Larry E. Craig, the "Veterans Health Care Improvements Act of 2005," incorporating original provisions and provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190; and S. 716, Ranking Member DANIEL K. AKAKA, the "Vet Center Enhancement Act of 2005. The markup will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

## PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that privilege of the floor be granted to John Ziolkowski, Fitzhugh Elder, Hunter Moorhead, Dianne Preece, Galen Fountain, Jessica Frederick, William Simpson, Tom Gonzales, Luke Johnson, Phil Karsting, as well as Stacy McBride, a detailee from the Food and Drug Administration to the Committee on Appropriations, during consideration of this H.R. 2744.

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

## THE CALENDAR

Mr. FRIST. Mr. President, I will be running through a lot of business which reflects a tremendous amount of work over the last several hours, the last several days, much of it in response directly to the natural disaster of Katrina and its aftermath. There are a number of other bills that I will mention as well as we close tonight.

## MEASURES READ THE FIRST TIME—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

## EMERGENCY TAX RELIEF

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina.

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

Mr. FRIST. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The amendment (No. 1728) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3768), as amended, was read the third time and passed.

## VITIATION OF ACTION ON S. 1696

Mr. FRIST. Mr. President, I further ask unanimous consent that third reading and passage of S. 1696 be vitiated, and the bill be placed on the Senate Calendar.

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

## SUPPORT FOR PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 243) Expressing Support for the Pledge of Allegiance.

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

Mr. ENSIGN. Mr. President, I rise today to speak about yesterday's court decision which ruled that the Pledge of Allegiance is unconstitutional. I am concerned, but certainly not surprised, with this decision. And I am very concerned with the decision's implications.

It is time for us to take a stand against activist judges who seek to circumvent the will of the American people and who issue judgments flying in the face of decency and common sense. With all that is going on in our world today, to attack the Pledge of Allegiance because it contains a reference to God is ludicrous.

Most Americans were outraged when the Ninth Circuit Court of Appeals ruled that the Pledge of Allegiance was unconstitutional. Last year, the Supreme Court dismissed the case. The Supreme Court said that the plaintiff in the Pledge of Allegiance case did not have standing. The Court found that, because he was not the custodial parent, he could not object to his daughter's reciting the pledge of allegiance in school.

When that decision came down, many people, myself included, knew that it would only be a matter of time before the plaintiff, Michael Newdow, would be back. We were right. Yesterday, the Court, looking to the previous ninth circuit decision, ruled that the use of the simple phrase "under God" was a religious act. The Court found that a school policy involving the recital of the Pledge of Allegiance had a coercive religious effect.

I strongly disagree that the pledge is coercive. I also strongly disagree with

the court's decision. The Pledge of Allegiance, in addition to containing a statement of common values and patriotism, recognizes historic facts behind our Nation's founding. There are so many references in America to God, our Creator. Those references can be seen in our currency, on public buildings, even in the Declaration of Independence which is displayed a few blocks from the Capitol in the National Archives.

This recent decision further emphasizes our Nation's need for judges who are respectful of people of faith and for judges who understand that America's continued reference, and reverence, toward the Creator are very important to our common culture.

Mr. SANTORUM. Mr. President, I rise in support of the resolution expressing the strong disapproval of the Senate to the September 14, 2005, decision by the U.S. District Court for the Eastern District of California in the case of Newdow, et al. v. The Congress of the United States of America, et.al.

This decision is a prime example of why we need to put judges on the bench who will strictly interpret the law and not legislate from the bench. Judges are not politicians. They are on the bench to hear the cases in front of them, not to pursue their own personal political agendas. We need more judges that will decide each case based on the facts and the law, not legislate from the bench.

Like most Americans, those of us who are not serving on the Judiciary Committee have watched intently as President Bush's nominee for Chief Justice of the Supreme Court has stood up to the over 21 hours of questioning. Judge John Roberts has been asked nearly 500 questions, and his responses have added to the more than 76,000 pages of documents concerning his Federal Government service. The hearings themselves have proved to be an incredible civics lesson for the American public, and to some extent the Senate, on the role of judges.

I have been very impressed with Judge Roberts, both when we met and in his considerable response during these hearings. He is a modest and humble man who I believe will be a credit to our judicial system. As he stated in his opening remarks, "[i]t is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are meaningless." Judge Roberts believes in judicial restraint, adherence to the rule of law, as well as a posture of modesty and humility in a court.

I believe that Judge Roberts is the kind of judge that America needs—a fair, independent and unbiased judge committed to equal justice under the law. If confirmed, I am convinced that Judge Roberts will strictly interpret the law and not legislate from the bench. As he said yesterday, he does not come to the bench or to a case with an agenda or a platform. In fact, he reminded my colleagues that he was not

a politician, and he is not going to advocate positions on issues to win votes.

Returning to the case at hand, I call on my colleagues to support this resolution. The Pledge of Allegiance is a unifying force in this Nation. It draws all of us, regardless of race, religion, gender, or national origin, together in support of the common good. At a time when we should be uniting to support our troops in Iraq and our neighbors in the Gulf States affected by Hurricane Katrina, it is a shame that an activist court is seeking to divide based on the principle of "I" or "me first," instead of pursuing the selfless principle of the common good. Just last Congress this body came together to support the current Pledge of Allegiance on a 94-0 vote. I hope that we will have the same bipartisan support again for this important issue, and I urge support of this resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the

panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

*Resolved,*

SEC. 1. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow, et al. v. The Congress of the United States of America, et al.*

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

Mr. FRIST. Mr. President, this resolution that we passed is a Senate resolution expressing support for the Pledge of Allegiance. Because of the significance of this matter, I would like to read some paragraphs in the resolution and then the closing resolve section:

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing plaintiff's lack of standing.

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California to challenge the words "under God" in the Pledge of Allegiance.

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violates the Establishment Clause was still binding precedent . . .

Mr. President, the "whereas" clauses continue.

*Resolved,* That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow, et al. v. The Congress of the United States of America, et al.*

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the

constitutionality of the Pledge of Allegiance.

This is an important Senate resolution, as is the one that follows this, S. Res. 244, which we will address shortly. Every morning in the Senate, we open with that pledge to the flag of the United States of America. It is an issue on which the Senate now speaks loudly in disagreement with the most recent findings.

The second resolution related to this issue is S. Res. 244.

EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 244) expressing support for the Pledge of Allegiance.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD as if read.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

*Resolved,*

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in *Newdow v. the Congress of United States of America, et al.*, holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorize and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

PELL GRANT HURRICANE AND  
DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3169, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

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

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

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

The bill (H.R. 3169) was read the third time and passed.

Mr. FRIST. Again, Mr. President, this is one of several bills we are addressing tonight that reflect the Senate's response to those who have been adversely affected by this disaster. The bill we passed was specifically related to Pell grants, giving the Secretary of Education the waiver authority for students who are eligible for Pell grants, those students who have been adversely affected.

STUDENT GRANT HURRICANE AND  
DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

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

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

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

The bill (H.R. 3668) was read the third time and passed.

TANF EMERGENCY RESPONSE AND  
RECOVERY ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3672, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

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

TEMPORARY ASSISTANCE FOR  
NEEDY FAMILIES (TANF) RELIEF  
FOR STATES AFFECTED BY HUR-  
RICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today to raise some concerns about H.R. 3672, the TANF Emergency Response and Recovery Act of 2005 passed recently by the House of Representatives.

I regret that the House Ways and Means Committee did not have the benefit of the insights of those in Louisiana responsible for administering this critical Federal program. Because if they did, I think that the bill might have been drafted very differently. I very much appreciate the leadership allowing me this opportunity to state these concerns for the record and am hoping that we can work together in the days and weeks ahead from this point on to be certain that these concerns are addressed.

Hurricane Katrina has left the Southeastern part of Louisiana in a state of emergency which, by all accounts will have significant and wide spread impact on our State and local economy. As a result, larger than expected numbers of individuals will be left without employment and in need of the services and support provided by the TANF program. It is precisely to address these circumstances, although I am not sure Members anticipated a disaster of this magnitude that compelled Congress to create a contingency fund in the 1996 Act. The purpose of the contingency fund was for States to be able to access additional funds in a time of need. But instead of availing ourselves of the funds contained in the contingency fund to carry us through this unexpected downturn, the House bill limits the use of these funds for nonrecurring, short term benefits to persons displaced by this disaster. I am afraid that this narrow definition of eligibility will stand in the way of people in need getting the support they deserve. I am pleased that the Grassley-Baucus proposal would allow Louisiana access to these funds and allow my State to direct these funds to families in need.

In addition, it should be noted that while the House bill contemplates that some families affected by Hurricane Katrina will need some short term benefit that should be considered differently from regular welfare, it does not extend eligibility for these emergency benefits to all families in the affected States. I believe that we should extend this benefit to all families in need. I am pleased to note that the Grassley-Baucus welfare proposal would extend eligibility of "Hurricane

Katrina Emergency TANF Benefits" for over a year to affected families in Louisiana, Mississippi and Alabama regardless of their circumstances prior to this disaster.

I will raise my final point in the form of a question to my good friend, the Senator from Iowa, Chairman GRASSLEY. The House bill includes a provision that provides that no penalty may be imposed against any of the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. Given the current financial conditions, our Governor is concerned about the State's long term ability to pay a loan of this size back in such a short time. They have been assured that the intent was for this provision to serve as a grant and that there is no penalty should they be unable to fully reimburse the Federal Government. Is that the Senator's understanding?

Mr. GRASSLEY. I understand that the Senator would like assurances that her State would not be penalized for failure to reimburse the Federal Government for funds to the State from the Federal Loans for State Welfare Program. I would point out that the House bill includes a provision that provides that no penalty may be imposed against the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. This provision provides that there will be no penalty for loans made during that time.

Furthermore, I appreciate the other comments from the Senator from Louisiana. While I think that the House passed bill represents a good faith effort on behalf of the House, I agree that it does not go far enough and that the delegations of the affected States should have been consulted as this bill was assembled. The collaborative process that we relied on with Senators from States directly affected by Hurricane Katrina has been invaluable as we have worked to assemble the disaster relief package that Senator BAUCUS and I announced yesterday.

I also recognize that my colleagues are concerned that the Senate's position on this issue be appropriately represented in a conference with the House.

I want to assure my colleagues these welfare provisions will be addressed during a conference with the House and that the Senate's position on these welfare provisions will be vigorously represented.

Mr. FRIST. I appreciate the comments from my colleagues. I support the chairman, and I too assure colleagues that these welfare provisions will be fully litigated in a conference with the House on a health and welfare disaster relief package.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3672) was read the third time and passed.

#### RECOGNIZING 75TH ANNIVERSARY OF AMERICAN ACADEMY OF PEDIATRICS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 204 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

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

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 204

Whereas 2005 marks the 75th anniversary of the American Academy of Pediatrics (referred to in this resolution as the "Academy");

Whereas in 1930, 35 pediatricians founded the Academy to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

Whereas in 2005, the Academy is the largest membership organization in the United States dedicated to child and adolescent health and well-being, with more than 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists belonging to its 59 chapters in the United States and 7 chapters in Canada;

Whereas, in addition to promoting good physical health, the Academy also promotes early childhood education, good mental health, reading, environmental health, safety, pediatric research, and the elimination of disparities in health care;

Whereas the Academy serves as a voice for the most vulnerable people in the United States by advocating for the needs of children with special health care needs, low-income families, victims of abuse and neglect, individuals in under-served communities, and the uninsured;

Whereas the Academy is dedicated to improving child health and well-being through numerous efforts and initiatives, including continuing medical education, the promotion of optimal standards for pediatric education, the authorship and dissemination of materials which advance its mission, and advocacy on improvements in child health;

Whereas the Academy promotes the use of evidence-based research and "best practices" to drive major improvements in child health and well-being, such as the use of immunizations to decrease the rates of infectious childhood diseases;

Whereas the Academy promotes the pediatric "medical home" as the most effective approach to guaranteeing the highest quality care for all children;

Whereas the Academy provides international leadership on child health issues, including translating child health materials into more than 40 languages;

Whereas Academy members have organized numerous child health initiatives at the State and community levels; and

Whereas, throughout its history, the Academy has been instrumental in the passage of several Federal child health laws, including poison prevention measures, the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), Federal child safety seat initiatives, the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), universal immunization, and the Best Pharmaceuticals for Children Act (Public Law 107-109); Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 75th anniversary of the American Academy of Pediatrics;

(2) supports the mission and goals of the Academy;

(3) commends the Academy for its commitment to attaining optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

(4) encourages the people of the United States to observe this anniversary and support the Academy on behalf of the children of the United States; and

(5) encourages the Academy to continue striving to improve the health and well-being of all infants, children, adolescents, and young adults of the United States.

#### REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 240) expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .";

Whereas in 2005, the United Nations held an unprecedented session to commemorate

the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

*Resolved, That—*

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

#### LEUKEMIA, LYMPHOMA AND MYELOMA AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, which was introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) designating September 2005 as Leukemia, Lymphoma and Myeloma Awareness Month.

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

Mr. JEFFORDS. Mr. President, I am here today to ask for my colleagues' support for a resolution designating September as Leukemia, Lymphoma and Myeloma Awareness Month. Today, I want to speak specifically about leukemia, a disease that affects nearly 200,000 Americans.

Leukemia is a devastating cancer of the blood that will kill almost 23,000 people this year alone. It is rare to find anyone today who does not know someone, a family member or a friend, who has battled leukemia. Recently, one of my former staff members, Jess Eiesland, was diagnosed with leukemia. He is only 28. He left my office in May of this year to follow in his father's footsteps and pursue a career in fi-

nance. On June 18th, Jess was diagnosed with Acute Myelogenous Leukemia, a form of the disease characterized by the uncontrolled production of immature white blood cells by the bone marrow. Jess is now back in South Dakota with his family and traveling to Minnesota to undergo an 11-week course of chemotherapy in preparation for a bone marrow transplant.

In comparison, Jess is one of the lucky ones. His leukemia was caught early and he has just learned that his sister, Laura, is a bone marrow match. This match will reduce Jess' risk of developing severe side effects from the transplant or rejecting the new cells. Only 30 percent of patients in need of a bone marrow transplant have a matching donor in their families. Others have to depend on the kindness of strangers who have registered their bone marrow types with the National Bone Marrow Registry and volunteered as donors. In honor of Jess, a bone marrow registration drive is being held in Room 124 of the Senate Hart building on Friday from 10 a.m. to 2 p.m.

Because of the risk of rejection associated with bone marrow transplants and the difficulty in finding donors, the National Institutes of Health and the private sector have developed other promising leukemia treatments, such as cord blood transplants and the pharmaceutical drug, Gleevec, the first of a slew of promising new drugs that target the underlying causes of the disease. To promote these innovative treatments, we must continue to support biomedical research. I applaud the efforts of our distinguished colleagues, Senators HATCH and DODD, who introduced legislation earlier this year that would encourage cord blood donations and registrations. This legislation has already been reported favorably by the HELP Committee and I hope the full Senate can take it up and pass it soon. Additionally, the Senate has requested a \$1 billion dollar funding increase for the NIH in fiscal year 2006 to promote Federal research and innovation.

I urge my colleagues to support this resolution designating September as National Leukemia, Lymphoma and Myeloma Awareness Month. Doing so will further disseminate information regarding treatment innovations and will encourage Americans to become bone marrow or cord blood donors.

#### RECOGNIZING SEPTEMBER 2005 AS LEUKEMIA AND LYMPHOMA AWARENESS MONTH

Mrs. BOXER. Mr. President, I wish to express my support for designating September as Leukemia and Lymphoma Awareness Month. It is estimated that leukemia, lymphoma, and myeloma will kill 60,500 people in the United States this year and that 110,000 new cases are diagnosed each year. With more than 700,000 Americans living with blood cancers, it is crucial that we come together to reinvigorate our resolve and continuously intensify our fight for a cure.

I am pleased to join the Leukemia and Lymphoma Society in encouraging all to put aside time to reflect on what has been achieved so far in fighting blood cancers, spread lifesaving knowledge, and set our sights on progressive goals to advance our ability to support and treat those living with leukemia and lymphoma. Together, we can push forward critical research and keep the eradication of these diseases at the forefront of dialogue and education in our local and national communities.

I applaud the Leukemia and Lymphoma Society for its support of treatment and research. Such work is integral to our ability to understand these illnesses and energize our fellow citizens in this very worthy endeavor. The Leukemia and Lymphoma Society has provided an outstanding model of advocacy and paved the way for others to get involved.

I am pleased to invite my colleagues to join me in acknowledging Leukemia and Lymphoma Awareness Month. I hope that you will use this time as inspiration for continued thoughtful leadership on this critical health issue.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

*Resolved, That the Senate designates September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month" to—*

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

#### PASSAGE OF H.R. 2862

Mr. FRIST. Mr. President, this afternoon, the Senate passed the Commerce,

Justice, and Science appropriations bill with overwhelming bipartisan support. I want to thank my colleagues for their tremendous work on this legislation. This appropriations bill funds critical Government functions and includes significant Katrina-related measures.

Earlier this afternoon, I had the opportunity to thank both Senators SHELBY and MIKULSKI for their great leadership on this bill. There was a fair amount of juggling in terms of scheduling, given the fact that the Judiciary hearings were underway. Everybody showed good patience, and we produced a very good bill.

More than 350,000 families have been made homeless by the disaster that has unfolded over the last 2 weeks. The bill we passed today provides Federal housing assistance of up to \$600 per family per month for up to 6 months to help those families get back on their feet. Families lost their homes, they have lost their communities, they have lost their jobs, and many families have lost everything. Their only possessions were contained sometimes in a single black plastic bag as they fled their homes.

These are extraordinary circumstances and they require extraordinary actions on our part. As you heard by the legislation that was passed, we are acting responsibly and aggressively in meeting the needs of those victims. Helping these families put a roof over their heads is one aspect of the real tragedy that has unfolded.

I thank people such as Senator SNOWE for her hard work to help the small businesses recover. All of these efforts are part of this larger effort to respond and respond aggressively.

Under the bipartisan leadership of Senator GRASSLEY and Senator BAUCUS, today the Senate passed a comprehensive tax relief package to help spur that economic process of getting people back on their feet and rebirth and regrowth.

The Grassley-Baucus legislation provides immediate and aggressive tax relief to help hurricane victims build their homes, restore their possessions, find housing, and find jobs. It allows them to dip into their retirement plans to cover short-term expenses without being penalized.

In addition, it promotes and rewards charitable giving. As we have seen over the last week and a half, Americans have poured out their hearts for the hurricane victims. In just over 2 weeks, private individuals and businesses have donated well over \$700 million in contributions. That is increasing every day. It is truly a testament to the character of the American people, to that wonderful spirit of the American people, that selflessness, that unselfishness, their compassion, and their generosity.

Here in the Senate, we are working hard to reflect those values and to deliver swift and meaningful actions.

Chairmen are working with ranking members to finish conversations so they can forward appropriate, well-thought-out Katrina legislation to myself and to the minority leader for possible Senate action, and Chairman ENZI is working with Senator KENNEDY on a series of temporary education law changes.

These measures will help tens of thousands of students affected by Katrina, as well as the school districts that are absorbing these displaced students.

Chairman COLLINS continues her work with Senator LIEBERMAN to cut through redtape and bureaucracy so that FEMA can quickly remove the vast amounts of debris that have been left in the disaster's wake.

Tomorrow, in 12 hours or so, Senator REID and I will be departing and leading a 14-Member Senate delegation to the gulf coast. Our purpose will be to survey the disaster sites in all three States affected by Katrina, to visit with people who have been so dramatically affected, both directly and indirectly, whose lives have been changed, to observe what is being done by local officials and State officials, as well as Federal officials on the ground.

The hurricane victims are the Senate's No. 1 priority, and it is reflected in the legislation that we are addressing and in the time spent both on the floor and by the various chairmen and ranking members on committees.

We are determined that the gulf coast will be able to recover and be rebuilt bigger, stronger, and more prosperous than ever before. It is going to require a lot of leadership from all sectors, at the private and public arena, and at Federal-State and local levels.

It is going to require the dedication of a lot of individuals.

I began today meeting with 100 or so leaders from across Louisiana who already had a previously scheduled meeting to come to Washington, DC. I met with Senator VITTER to listen to their ideas and their thoughts at the local level of how best to contribute to this rebuilding of this vital part of Louisiana.

Tomorrow, we will meet with people all along that southern coast of Mississippi as well. I will actually be going to Alabama as well. It is this dedication of individuals, the doers, the thinkers, people thinking inside and outside the box that I am convinced will lead to this revitalization and appropriate rebuilding. It is a massive undertaking, but this is America and we like our challenges big. We can respond in an appropriately big way. We will make history proud.

In about 30 minutes, the President will be addressing the Nation on many of these same issues. I look forward to hearing that address. I look forward to continuing to work in a bipartisan way. We have to keep things bipartisan as we work to develop meaningful, long-term solutions for the American people.

I had one big disappointment today, late this afternoon regarding receiving a letter from my counterpart, the Democratic leader, whom I know carefully considered the terms of the outcome, but I was disappointed in that the notification was that the Senate Democrats will boycott our proposal for a bipartisan joint congressional investigation into the government's response to Hurricane Katrina. It is clear the government has no greater responsibility than protecting the security and the lives of senior citizens, and in the aftermath of this devastating hurricane and the flood which followed we saw government at all levels not live up to expectations, and, really, fail at all levels.

It is our duty, and it is our responsibility in the Senate, in Congress, to analyze and to investigate, provide aggressive oversight in order to figure out what went wrong, in order to know what changes must be made and to make those changes quickly and responsibly and to keep what went wrong from ever, ever, happening again.

Congress is going to step up to this important responsibility. We have begun that in the actions over the last 2 weeks.

Under the proposal I gave the Democrat leader, we would appoint a select committee with the members of the Homeland Security and Governmental Affairs Committee as members who would participate. While the Democrat leader in his letter to me says he prefers to let the Homeland Security Committee lead the investigation and he will continue to support the committee's efforts, which I do, as well, he somehow feels the select committee that our leadership has proposed, which is made up of the very same members of that committee, Homeland Security and Governmental Affairs Committee, will somehow fail the American people or will somehow be partisan or will somehow not be independent.

To me, it is an abdication of our responsibility not to have this select committee specifically made up to analyze and to investigate what went wrong.

The proposal was modeled on some of the most serious investigations that Congress has ever taken. Looking back to the 1973 Watergate Committee, the 1986 Iran-Contra Committee, the 1994 and 1995 Whitewater Committee, and the 1997 campaign finance investigation, that is the model which I had proposed to the Democrat leader. Republicans in both the House and Senate are prepared to fulfill our constitutional obligations. I believe this boycott is irresponsible, it is an abdication of our responsibility. It begins to place partisan politics over finding answers for the American people.

We cannot wait 3 years for those answers. We need to investigate them and analyze the problems so we will have solutions in the short term, so we can quickly make changes and protect all

Americans. In challenging times, our country expects its leaders to work together and not to engage in any sort of petty bickering that slows down the process. It is time to get it done. The American people deserve better.

I ask unanimous consent my proposal to Senator REID and his letter rejecting it be printed in the RECORD.

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

S. RES. \_\_\_\_

*Resolved,*

**SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.**

(a) **ESTABLISHMENT.**—There is established a special committee administered by the Committee on Homeland Security and Governmental Affairs to be known as the “Special Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina” (referred to in this resolution as the “special committee”).

(b) **PURPOSES.**—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of—

(A) the development, coordination, and execution by local, State and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina;

(B) the Federal, State, and local government response to Hurricane Katrina; and

(C) any other matter under the jurisdiction of the Committee on Homeland Security and Governmental Affairs to the extent that investigation of that matter assists the committee in its investigation under subparagraphs (A) and (B);

(2) to make such findings of fact and recommendations as are warranted and appropriate; and

(3) to fulfill the constitutional oversight and informational functions of the Congress with respect to the matters described in this section.

**SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.**

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The special committee shall consist of—

(A) the members of the Committee on Homeland Security and Governmental Affairs; and

(B) the chairman and ranking member of [TO BE SUPPLIED].

(2) **ADDITIONAL RULES.**—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate that it determines are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

(b) **ORGANIZATION OF SPECIAL COMMITTEE.**—

(1) **CHAIRMAN.**—The chairman of the Committee on Homeland Security and Governmental Affairs shall serve as the chairman of the special committee (referred to in this resolution as the “chairman”).

(2) **RANKING MEMBER.**—The ranking member of the Committee on Homeland Security and Governmental Affairs shall serve as the ranking member of the special committee (referred to in this resolution as the “ranking member”).

(3) **QUORUM.**—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee,

or one-third of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) **RULES AND PROCEDURES.**—

(1) **IN GENERAL.**—Except as otherwise specifically provided in this resolution, the special committee’s investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs.

(2) **ADDITIONAL RULES.**—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

**SEC. 3. STAFF OF THE SPECIAL COMMITTEE.**

(a) **APPOINTMENTS.**—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) **ASSISTANCE FROM THE COMPTROLLER GENERAL.**—The Comptroller General of the United States is requested to provide from the Government Accountability Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

**SEC. 4. POWERS OF THE SPECIAL COMMITTEE.**

The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) **SUBPOENA POWERS.**—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) **COMPENSATION AUTHORITY.**—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the

chairman or the ranking member, considers necessary or appropriate.

(3) **MEETINGS.**—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) **HEARINGS.**—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(5) **TESTIMONY OF WITNESSES.**—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) **IMMUNITY.**—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code.

(7) **DEPOSITIONS.**—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) **DELEGATIONS TO STAFF.**—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) **INFORMATION FROM OTHER SOURCES.**—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

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

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

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) **RECOMMENDATIONS TO THE SENATE.**—To make to the Senate any recommendations,

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. KREWSKY, 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

SUSAN F. BRYANT, 0000  
 TONYA R. BRYANT, 0000  
 JAMES D. BURDICK, 0000  
 ANTHONY P. BURGESS, 0000  
 MICHELLE BURKHART, 0000  
 TODD R. CALDERWOOD, 0000  
 TIMOTHY J. CALLAHAN, 0000  
 ROGER A. CASILLAS II, 0000  
 HAROLD P. CATES, 0000  
 KIM A. CHANEY, 0000  
 JAMES F. CHAPPLE, 0000  
 WANDA A. \* CHATMAN, 0000  
 CHONGKIN CHIN, 0000  
 DWAYNE M. COFFMAN, 0000  
 WALTER P. COLE, 0000  
 GREGORY J. CONTI, 0000  
 WILLIAM D. CONWELL, 0000  
 DONALD M. COOK, 0000  
 STEVEN L. CREIGHTON, 0000  
 PHILIP D. CURETON, 0000  
 DAVID B. DELMONTE, 0000  
 RICHARD A. DELUDE II, 0000  
 CYNTHIA A. DILLARD, 0000  
 DAVID W. DINGER, 0000  
 DONNA M. DORMINEY, 0000  
 EDWARD W. DOUGHERTY, 0000  
 MARK J. DRABIK, 0000  
 NELSON L. EMMONS, JR., 0000  
 DAREN A. EPSTEIN, 0000  
 BARRY C. EZELL, 0000  
 ROBERT B. FLOERSHEIM, 0000  
 JAMES C. GALLUP, 0000  
 JOHN M. GEORGE, 0000  
 LOUIS C. GIAMMATTEO, 0000  
 THOMAS L. GIBBINGS, 0000  
 MICHAEL P. GILROY, 0000  
 KARL H. GINGRICH, 0000  
 JOHN G. GREAVES, 0000  
 JEFFREY S. GULICK, 0000  
 WILLIAM T. HARMON, 0000  
 DAVID J. HARTLEY, 0000  
 DALE L. HENDERSON, 0000  
 TODD M. HENRY, 0000  
 DARREN S. HOLBROOK, 0000  
 JOSEPH S. HORAB, 0000  
 DAVID HUDAK, 0000  
 KEITH W. HUNT, 0000  
 JAMES E. ILLINGWORTH, 0000  
 ROBERT G. IVY, 0000  
 DAVID J. KALE, 0000  
 BRYAN F. KARINSHAK, 0000  
 LISA M. KELLER, 0000  
 TODD E. KEY, 0000  
 ROBERT M. KOLB, 0000  
 ROBERT A. LAIDLAW, 0000  
 LISA J. LAMB, 0000  
 EMORY B. LEATHERMAN IV, 0000  
 KARL E. LINDQUIST, 0000  
 CARLOS M. LIZARDI, 0000  
 WILLIAM H. LYNCH, JR., 0000  
 KRISTIAN M. MARKS, 0000  
 BERTHA MAXIE, 0000  
 SCOTT E. MCCULLOCH, 0000  
 BRIAN R. MCCULLOUGH, 0000  
 NEAL F. MCINTYRE, 0000  
 EDWARD L. MCLARNEY, 0000  
 PAUL W. MILLARD, 0000  
 CHARLES R. MILLER, 0000  
 HOWARD T. MINNER, 0000  
 DANIEL R. MONSIVAIS, 0000  
 KENNETH S. MURPHY, 0000  
 MICHAEL B. NELSON, 0000  
 CHRISTOPHER E. NICHOLS, 0000  
 SUZANNE C. NIELSEN, 0000  
 GERALD NIXON, 0000  
 FRANK R. NUCERITO, 0000  
 CHELSEA M. ORTIZ, 0000  
 JOHN C. PAGLIANTTE, 0000  
 MICHAEL V. PANNELL, 0000  
 PETER K. PATTSIL, 0000  
 BRIAN A. PATTERSON, 0000  
 EDWARD G. PETHAN, 0000  
 DONOVAN D. PHILLIPS, 0000  
 MARK A. PHILLIPS, 0000  
 DIRK E. PLANTE, 0000  
 LEE A. POWELL, 0000  
 NOEL N. PRATAF, 0000  
 CHRISTOPHER N. PRIGGE, 0000  
 MICHAEL P. RAGAN, 0000  
 EDWARD K. RAWLINS, 0000  
 DANE D. RIDEOUT, 0000  
 THOMAS H. ROSELIUS, 0000  
 THOMAS J. ROTHWELL, 0000  
 RICHARD A. SCHUENEMAN, 0000  
 LISA A. SHAY, 0000  
 DANIEL M. SHRIMPTON, 0000  
 PHILIP H. SIMARD, 0000  
 MICHAEL W. SIMPSON, 0000  
 ALICIA G. SMITH, 0000  
 CHRISTOPHER P. SMITH, 0000  
 ROBERT M. SMITH, 0000  
 JAMES A. SPARKES, 0000  
 JOHN H. STEVENSON, 0000  
 DAVID S. STOKES, 0000  
 MARK D. TRIBUS, 0000  
 DAVID C. TRYBUL, 0000  
 LOUANN TUCKER, 0000  
 JOHN C. ULRICH, 0000  
 STEPHEN E. VALLEJO, 0000  
 PAUL L. WEBBER, 0000  
 FLORIAN M. WEBSTER, 0000  
 DOUGLAS M. WEINER, 0000  
 GREGORY A. WHITE, 0000  
 CONNIE WILLIAMS, 0000  
 JOHN B. WILLIS, 0000  
 ISAIAH WILSON III, 0000  
 WILLIAM T. WINKLBAUER, 0000

MICHAEL A. WRIGHT, 0000  
 WADE S. YAMADA, 0000  
 EUGENE A. YANCEY III, 0000  
 DANIEL E. ZALEWSKI, 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*

DAVID M. ABBINANTI, 0000  
 ALFRED F. ABRAMSON III, 0000  
 JESUS AGUIRRE, 0000  
 MICHAEL D. ANDERSON, 0000  
 PATRICK S. ANDERSON, 0000  
 BRUCE A. ARCHAMBAULT, JR., 0000  
 MICHAEL A. ASCURA, 0000  
 WILLIAM J. BAILEY, 0000  
 ANTONIO E. BANCHS, 0000  
 NATHAN D. BARRICK, 0000  
 ERIC A. BARTO, 0000  
 JOHN C. BASKERVILLE, 0000  
 PAUL J. BECKER, 0000  
 DAVID C. BERG, 0000  
 MICHAEL E. BILVAIS, 0000  
 RALPH T. BLACKBURN, 0000  
 EDWARD M. BONFOY III, 0000  
 KARL W. BORIES, 0000  
 DAVID R. BRIGHAM, 0000  
 GREGORY J. BROECKER, 0000  
 JOHANNES BRONDUM, 0000  
 AARON M. BROWN, 0000  
 ANTONIO BROWN, 0000  
 CHRISTOPHER L. BROWN, 0000  
 HAROLD A. BUHL, JR., 0000  
 JOHN J. BURBANK, 0000  
 DAVIS L. BUTLER, 0000  
 LEO P. BUZZERIO, 0000  
 STEVEN C. CALHOUN, 0000  
 JAY T. CARR, 0000  
 BRYAN K. CHAPMAN, 0000  
 JAMES K. CHANG, 0000  
 DAVID S. COFFEY, 0000  
 RAYMOND K. COMPTON, 0000  
 JOHN P. CONWAY, 0000  
 JEFFREY B. COOPER, 0000  
 DENNIS V. CRUMLEY, 0000  
 PHILLIP R. CUCIA, 0000  
 JEFFREY L. CULLEN, 0000  
 DAVID S. DANNER, 0000  
 GERALD R. DAVIS, JR., 0000  
 CHARLES P. DEASE, 0000  
 JAMES P. DELANEY, 0000  
 ROBERT A. DIONISI, 0000  
 MICHAEL E. DONNELLY, 0000  
 JOHN D. DUMOND, 0000  
 ERNEST L. DUNLAP, JR., 0000  
 JOSEPH P. DUPONT, 0000  
 CHARLES J. EMERSON, JR., 0000  
 THEODORE M. EPPLE, 0000  
 WAYNE E. EPPS, 0000  
 TROY A. FABER, 0000  
 ROBERT L. FISHER, 0000  
 KEITH A. FLAIL, 0000  
 WADE A. FOOTE, 0000  
 EDWARD M. FORTUNATO, 0000  
 PETER C. FOWLER, 0000  
 TOD C. FURTAIDO, 0000  
 NORMAN H. FUSS III, 0000  
 TERESA M. GEDULDIG, 0000  
 DONALD F. GENTLES, 0000  
 GORDON L. GRAHAM, 0000  
 DAVID W. GRAUEL, 0000  
 COLL S. HADDON, 0000  
 PAUL T. HAENLE, 0000  
 ALLEN L. HAINES, 0000  
 TIMOTHY M. HALE, 0000  
 JOSEPH G. HALISKY, 0000  
 PATRICK D. HALL, 0000  
 BENJAMIN M. HARRIS, 0000  
 MARK A. HINDS, 0000  
 JOSEPH K. HITT, 0000  
 BRADLEY A. HOCEVAR, 0000  
 CLAYTON H. HOLT, 0000  
 ROBERT K. HOLZHAUER, 0000  
 LARRY L. HOMAN, 0000  
 TERENCE L. HOWARD, 0000  
 TONE D. JACKSON SR., 0000  
 VERNON L. JAMISON, 0000  
 JENNIFER L. JENSEN, 0000  
 LAFONDA F. \* JERNIGAN, 0000  
 JOHN W. JONES, 0000  
 MICHEL G. JONES, 0000  
 DAVID M. KACZMARSKI, 0000  
 MARK M. KARAS, 0000  
 RONALD L. KELLAR, 0000  
 DAVID A. KEMMERER, 0000  
 PETER K. KEMP, 0000  
 JOHN S. KIM, 0000  
 DOUGLAS J. KISER, 0000  
 HEINO KLING, 0000  
 MATTHEW KRISTOFF, 0000  
 TODD F. LAMB, 0000  
 JONATHAN D. LAU, 0000  
 ERNEST C. LEE, 0000  
 SEUNG J. LEE, 0000  
 DAVID A. LEINBERGER II, 0000  
 KEVIN L. LEONARD, 0000  
 ELAISE P. LISS, 0000  
 THOMAS E. LIPPERT, 0000  
 MICHAEL S. LOFTON, 0000  
 PETER P. LOZIS III, 0000  
 ALEX F. LUCAS III, 0000  
 CHRIS L. LUKASEVICH, 0000  
 VINCENT P. MALONE II, 0000  
 PHILIP A. MARTINSON, 0000  
 JOHN W. MATLOCK, JR., 0000  
 JOHN C. MATTHEWS, 0000  
 SHANNON J. MCCOY, 0000  
 DAVID F. MCFADDEN, 0000  
 CHAD A. MCGOUGAN, 0000  
 ROBERT J. MCKENNA, 0000  
 RYAN P. MCMULLEN, 0000  
 DAVID B. MILLNER, 0000  
 STEPHEN T. MILTON, 0000  
 BRADLEY K. MITCHELL, 0000  
 ROBERT P. MOONEY, JR., 0000  
 ROBERT F. MORTLOCK, 0000  
 BRIAN P. MURPHY, 0000  
 MICHAEL W. NEWELL, 0000  
 THOMAS D. NEWMAN, 0000  
 DAVID A. OCONNELL, 0000  
 TOMAS E. OLIVA, 0000  
 RICHARD H. OUTZEN, 0000  
 DOUGLAS L. OYLER, 0000  
 GERRITT F. PECK, 0000  
 KEVIN S. PEEL, 0000  
 ERIC A. PHILLIPSON, 0000  
 RAYMOND D. PICKERING, 0000  
 ALLEN M. PILGRIM, 0000  
 JOHN R. PILLONI, 0000  
 JOHN F. POLLACK, 0000  
 PRISCILLA RAMSEY, 0000  
 SCOTT J. RAUER, 0000  
 LARRY J. REDMON, 0000  
 NICHOLAS R. REISDORFF, 0000  
 RICHARD M. REYNO, 0000  
 JON K. RICKEY, 0000  
 GIB S. RIGG, 0000  
 JASON W. ROBBINS, 0000  
 KENNETH L. ROBERTSON, 0000  
 WALTER R. ROBERTSON, 0000  
 KELVIN L. ROBINSON, 0000  
 RENE R. RODRIGUEZ, 0000  
 STEPHEN M. ROGERS, 0000  
 JAMES S. ROMERO, 0000  
 PAUL H. ROSS, 0000  
 MARTIN A. RYAN, 0000  
 THOMAS G. RYAN, 0000  
 DOUGLAS A. SCHUETZ, 0000  
 MATTHEW B. SCHWAB, 0000  
 LANCE E. SCOTT, 0000  
 JOHN E. SEAMON, 0000  
 TREVOR W. SHAW, 0000  
 ROBERT W. SHELTON, 0000  
 RODNEY E. SISSON, 0000  
 MARGARET A. SOSINSKI, 0000  
 JASON L. STINE, 0000  
 SCOT F. STINE, 0000  
 MARK W. STONE, 0000  
 MAYNARD J. SWEENEY, JR., 0000  
 BRENT A. THOMAS, 0000  
 TODD E. THOMAS, 0000  
 BRIAN L. THOMPSON, 0000  
 MICHAEL J. THURSTON, 0000  
 MICHAEL J. TICE, 0000  
 BRENDA K. TIONGSON, 0000  
 SANDRA L. VANNOLEJASZ, 0000  
 LAURA R. VARHOLA, 0000  
 JEFFERY L. VESTAL, 0000  
 KEVIN M. VOLK, 0000  
 GORDON T. WALLACE, 0000  
 CHARLES S. WALLS IV, 0000  
 KAREN P. WALTERS, 0000  
 THOMAS M. WEAVER, 0000  
 TY S. \* WEAVER, 0000  
 MICHAEL K. WEGLER, 0000  
 JOHN W. WHATLEY IV, 0000  
 MATTHEW D. WHITNEY, 0000  
 STEPHEN T. WILLHELM, 0000  
 RICHARD L. WILLIAMS, 0000  
 ROBERT B. WILLIAMS, 0000  
 RODNEY V. WILLIAMS, 0000  
 GREGORY S. WINSTON, 0000  
 JOHN R. WITHERS, 0000  
 JEFFREY K. WOODS, 0000  
 WILLIAM T. WORLEY, 0000  
 WILLIAM R. WYDAL, 0000  
 DARRELL H. ZEMMITS, 0000  
 JORGE E. ZEQUEIRA, 0000  
 MICHAEL P. ZRIMM, JR., 0000  
 MARTIN A. ZYBURA, 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*

MARY E. ABRAMS, 0000  
 WILLIAM E. ACHESON, 0000  
 JAMES E. ADAMS, JR., 0000  
 SKIP ADAMS, 0000  
 ROBERT C. AGANS, JR., 0000  
 JOHN S. AGOR, 0000  
 ALBERT L. ALBA, 0000  
 TIMOTHY P. ALBERS, 0000  
 MICHAEL T. ALEXANDER, 0000  
 LARRY D. ALLEN, 0000  
 STEVEN L. ALLEN, 0000  
 JOHN C. ALLRED, 0000  
 SCOTT R. ALLPETER, 0000  
 EDWARD J. AMATO, 0000  
 JEFFERY A. ANDERSON, 0000  
 MATTHEW D. ANDERSON, 0000  
 RICHARD P. ANDRISE, 0000  
 JOSEPH D. ARMSTRONG, 0000  
 CHARLES B. ARNETT III, 0000  
 JOE E. ARNOLD, JR., 0000  
 QUINTON J. ARNOLD, 0000  
 WARREN S. ARONSON, 0000

BOBBY R. ATWELL, JR., 0000  
CHRISTOPHER L. BABCOCK, 0000  
DONALD R. BACHLER, 0000  
JACQUELINE \* BAEHLER, 0000  
ROBERT L. BAILES, 0000  
DAVID E. BAILEY, 0000  
SCOTT R. BAKER, 0000  
DONALD L. BALCH, 0000  
JAMES F. BALL, 0000  
MICHAEL J. BARA, 0000  
JOHN C. BARBER, 0000  
KEITH A. BARCLAY, 0000  
ROBERT L. BARNES, JR., 0000  
ROY W. BARNES, 0000  
WILLIAM J. \* BARNETT, 0000  
JONATHAN R. BATTLE, 0000  
GREGORY BAULDRICK, 0000  
JOHN M. BAYER, 0000  
STANLEY H. BECKFORD, 0000  
GREGORY P. BEDROSIAN, 0000  
GEORGE S. BELIN, 0000  
RUTH BELLERIVE, 0000  
TIMOTHY E. BELLON, 0000  
PAUL G. \* BELOBRAJDIC, 0000  
GREGORY BENDEWALD, 0000  
KENNETH W. BENIGNO, 0000  
AMY E. BENNETT, 0000  
JAMES T. BENSON, 0000  
WILLIAM E. BENSON, 0000  
MARIA G. BENTINCK, 0000  
NICHOLAS O. BERNHARDT, 0000  
SCOTT J. BERTINETTI, 0000  
CARTER J. BERTONE, 0000  
JAMES A. BEST, 0000  
JUDE P. BILAFER, 0000  
CAROLYN S. BIRCHFIELD, 0000  
BRIAN R. BISACRE, 0000  
MANUEL BLANCO, 0000  
GARY E. BLOOMBERG, 0000  
SCOTT A. BODINE, 0000  
SHANNON L. BOHEM, 0000  
TIMOTHY J. BOHECKE, 0000  
JOHN V. BOGDAN, 0000  
EDWARD T. BOHNEMANN, 0000  
DOUGLAS A. BOLTON, 0000  
ERIK B. BORGESON, 0000  
DWAYNE K. BOTELEER, 0000  
DANIEL A. BOWMAN, 0000  
ROBERT G. BOZIC, 0000  
BRIAN M. BRANNAN, 0000  
ALLEN G. BRANNAN, 0000  
GENE A. BRAVENEC, JR., 0000  
JOSEPH M. BRAY, 0000  
ROBERT D. BRAY, 0000  
KEVIN W. BREUERS, 0000  
JEFFERY D. BROADWATER, 0000  
WILLIAM T. BROOKS, 0000  
DANIEL D. BROPHY, 0000  
AUZZIE K. BROWN, 0000  
TRACY BROWN, 0000  
VICTOR S. BROWN, 0000  
WILLIAM I. BROWN, 0000  
XAVIER T. BRUNSON, 0000  
DERRICK B. BRYANT, 0000  
JAMES A. BRYANT, 0000  
GLEN J. BUCHERT, 0000  
DALE R. BUCKNER, 0000  
JENNIFER G. BUCKNER, 0000  
MARK S. BUEHLMAN, 0000  
MARK E. BUMGARDNER, 0000  
JOHN E. BURGESS, 0000  
JONATHAN M. BURNS, 0000  
TODD W. BURNS, 0000  
WILLIAM L. BURRUS III, 0000  
MARK BURTNER, 0000  
RICHSON BUSH, 0000  
BRENT D. BUSH, 0000  
TIMOTHY W. BUSH, 0000  
MICHAEL P. BUSTEED, 0000  
DWAYNE M. BUTLER, 0000  
JEFFREY A. BUTLER, 0000  
KELLY B. BUTLER, 0000  
RODNEY S. BUTLER, 0000  
ROBERT M. BUTTS, 0000  
JOSEPH M. BYERS, 0000  
THOMAS H. BYRD, 0000  
MATTHEW P. CADICAMO, 0000  
MARK T. CALHOUN, 0000  
PATRICK M. CALLAHAN, 0000  
SHANA J. CAMPBELL, 0000  
STEPHAN A. CAPPS, 0000  
THOMAS H. CARLISLE, 0000  
RICHARD T. CARNEY, 0000  
DONALD L. CARR, 0000  
MATTHEW R. CARRAN, 0000  
KELLY M. CARRIGG, 0000  
KENNETH R. CASEY, 0000  
TIMOTHY A. CHAFOS, 0000  
JAY K. CHAPMAN, 0000  
CURTIS CHARLESTON, 0000  
DAVID L. CHASE, 0000  
ANTHONY R. CHAVEZ, 0000  
CHRISTOPHER K. CHESNEY, 0000  
RONALD CHILDRESS, JR., 0000  
SONG S. CHOI, 0000  
DAVID A. CHRISTIE, 0000  
JEFFREY D. CHURCH, 0000  
JAMES L. CLARK, 0000  
CHARLES COBBS III, 0000  
BRIAN COLE, 0000  
DARIN S. CONKRIGHT, 0000  
JOHN A. CONWAY, 0000  
MICHAEL J. CONWAY, 0000  
PAUL J. COOK, 0000  
TERRY P. COOK, 0000  
BRIAN K. COPPERSMITH, 0000  
JOSEPH R. CORLETO, 0000  
JOHN T. CORNELLIUS, JR., 0000  
JOEL W. CORNELL, 0000  
REGINALD W. COTTON, 0000  
CLEMENT S. COWARD, JR., 0000  
ERICK C. \* CREWS, 0000  
JOEL R. CROSS, 0000  
MARY K. \* CRUSAN, 0000  
DIANE T. CUMMINSLEFLER, 0000  
ROBERT W. CURRAN, 0000  
PATRICK J. DAILEY, 0000  
CHARLES J. DALCOURT, JR., 0000  
GERALD N. DAMRON, 0000  
PATRICK L. DANIEL, JR., 0000  
EUGENE A. DANIELS, 0000  
JAMES L. DANIELS, 0000  
MARTIN J. DANNATT, 0000  
STEPHEN A. DANNER, 0000  
CHRISTOPHER D. DARE, 0000  
LOREN J. DARMOFAL, 0000  
MICHAEL R. DARRROW, 0000  
KIMBERLY J. DAUB, 0000  
MICHAEL N. DAVEY, 0000  
JOSEPH D. DAVIDSON, 0000  
DAVID M. DAVIS, 0000  
JENNY W. DAVIS, 0000  
BRANDT H. DECK, 0000  
JOHN D. DECK, 0000  
JERRY W. DEJARNETT, 0000  
DAVID L. DELLINGER, 0000  
RICHARD A. DEMAREE, 0000  
ANTHONY G. DEMARTINO, 0000  
MICHAEL J. DEMPSEY, 0000  
KEVIN M. DEREMER, 0000  
EDWARD J. DESANTIS, 0000  
MARK J. \* DESCHENES, 0000  
STEPHAN A. DEVILLE, 0000  
BARRY C. DICKERSON, 0000  
MARK A. DICKSON, 0000  
FRANK J. DIEDRICK, 0000  
DAVID D. DILKS, 0000  
ANTHONY C. DILL, 0000  
JEFFREY D. DILLEMUTH, 0000  
ROBERT N. DILLON, 0000  
MANUEL C. DIWA, 0000  
THOMAS R. DITOMASSO, 0000  
ALAN M. DODD, 0000  
WADE R. DOENGENS, 0000  
JAMES W. DOEPP, JR., 0000  
IGNATIUS M. DOLATA, JR., 0000  
JOHN F. \* DOWNEY, 0000  
ROBERT H. DOYLE, JR., 0000  
DANIEL E. DREW, 0000  
MARLEAN C. DRUCE, 0000  
JEFFREY W. DRUSHAL, 0000  
THOMAS H. DUFFY, 0000  
DANNY A. DULAY, 0000  
JOHN F. DUNLEAVY, 0000  
LARRY P. DUNN, 0000  
MICHAEL B. DUNNING, 0000  
KEVIN L. DURBIN, 0000  
STEPHEN J. DURHAM, 0000  
DAVID C. DUSTERHOFF, 0000  
MICHAEL J. DUTCHUK, 0000  
JOSEPH J. DWORCZYK, 0000  
ADRIENNE M. ECKSTEIN, 0000  
ROLAND M. EDWARDS, 0000  
MARGARET J. EGAN, 0000  
BRIAN S. EPLER, 0000  
JOHN W. EISENHAEUER, 0000  
MARK B. ELFENDAHL, 0000  
DAVID J. ELL, 0000  
STEPHEN A. ELLE, 0000  
MATTHEW G. ELLEDGE, 0000  
HAYES G. ELLIS, 0000  
KRISTIN A. ELLIS, 0000  
RICHARD A. ELLIS, 0000  
ROBERT A. ELMORE, 0000  
NORMAN C. ESTRELLA, 0000  
GARY C. FAHRI, 0000  
JOHN J. FARIA, 0000  
NATHANIEL W. FARMER, 0000  
DOUGLAS H. FARRIS, 0000  
MATTHEW D. FERGUSON, 0000  
MATTHEW J. FERGUSON, 0000  
JOHN D. FICKEL, 0000  
PAUL J. FINKEN, 0000  
NATALIE E. FINLEY, 0000  
ROBERT F. FINN, JR., 0000  
WILLIAM L. FISKE, 0000  
DAVID S. FLECKENSTEIN, 0000  
SAMUEL A. FLOYD III, 0000  
TROY J. FODNESS, 0000  
THOMAS H. FOLSE, 0000  
ANDAMO E. \* FORD, 0000  
MICHAEL J. FORSYTH, 0000  
ROBERT A. FORTE, 0000  
KEVIN J. FOWLER, 0000  
ALFRED E. FRANCIS, 0000  
DAVID J. FRANCIS, 0000  
PAUL H. FREDENBURGH, 0000  
IVORY M. FREEMAN, 0000  
REBECCA M. FREEZE, 0000  
MICHAEL G. FREIBURGER, 0000  
STEVEN R. FUSINETTI, 0000  
MICHAEL P. GABEL, 0000  
SEAN A. GAINY, 0000  
PAUL B. GALE II, 0000  
MICHAEL P. GALLAGHER, 0000  
KIMO C. GALLAHUE, 0000  
JESSE D. GALVAN, 0000  
DORIS L. GARCIA, 0000  
HEATHER L. GARRETT, 0000  
LOYE W. \* GAU, 0000  
NORMAND A. GAUTHIER, 0000  
TIMOTHY J. GAUTHIER, 0000  
JAMES A. GAVRILIS, 0000  
HOLLY A. GAY, 0000  
GREGORY A. GEHLER, 0000  
WILLIAM A. GEIGER, 0000  
DAVID A. GEORGE, 0000  
LOYD A. GERBER, 0000  
CHRISTOPHER J. GERVAIS, 0000  
PIERRE D. GERVAIS, 0000  
KENNETH C. GILL, 0000  
STEVEN W. GILLAND, 0000  
MICHAEL J. GILLETTE, 0000  
ELUYN GINES, 0000  
MAURICE E. GISSENDANNER, 0000  
EARL R. GLOVER, 0000  
FREDERICK V. GODFREY, 0000  
JOHN C. GOETZ II, 0000  
STUART P. GOLDSMITH, 0000  
LORRI A. GOLYA, 0000  
JESUS F. GOMEZ, 0000  
BARBARA J. GOMOLL, 0000  
GEORGE W. GONAS, 0000  
GREGORY A. GONDECK, 0000  
MATTHEW G. GOODMAN, 0000  
MATTHEW D. GOODRICH, 0000  
WILLIAM P. GRAHAM, 0000  
CHRISTOPHER T. GRANFIELD, 0000  
MARK A. GRAZDAN, 0000  
MARK N. GRDOVIC, 0000  
ANTHONY L. GREEN, 0000  
STEPHEN J. GREEN, 0000  
RICHARD G. GREENE, JR., 0000  
WILLIAM N. GREENE, 0000  
LEVY L. GREENHOWELL, 0000  
KEVIN F. GREGORY, 0000  
BRUCE E. GRIGGS, 0000  
KETHON C. GRIGSBY, 0000  
JOHN P. GRIMES, 0000  
STUART J. GUBLER, 0000  
ZULMA I. GUERRERO, 0000  
LEIF W. GUNHUS, 0000  
GORDON D. GUTHRIE, 0000  
OMAR F. GUTIERREZ, 0000  
PETER M. HAAS, 0000  
ROBERT B. HAINES, 0000  
ELIZABETH N. HALFORD, 0000  
BILLY V. HALL II, 0000  
DOUGLAS J. HALL, 0000  
MARK M. HALL, 0000  
JOHN W. HALLAM, JR., 0000  
JOEL E. HAMBLY, 0000  
GEORGE S. HAMONTREE III, 0000  
ERIC D. HANBY, 0000  
KEITH F. HANLEY, 0000  
ROBERT W. HANLEY, 0000  
FREDRICK J. HANNAH, 0000  
JAMES R. HANSON IV, 0000  
JOSEPH P. HANUS, 0000  
STEPHEN L. HARDY, 0000  
KENNY D. HARPEL, 0000  
KEITH R. HARRIS, 0000  
LOUIS L. HARRIS, 0000  
RANDALL L. HARRIS, 0000  
JOE L. HART, JR., 0000  
ERIC S. HARTEP, 0000  
CHARLES W. HARTFORD, 0000  
ROBERT L. HATCHER, JR., 0000  
DAVID A. HATER, 0000  
RANDOLPH G. HAUF, 0000  
KENNETH A. HAWLEY, 0000  
RANDALL I. HAWES, 0000  
JOHN M. HAYNICZ, 0000  
TIMOTHY P. HEALY, 0000  
JAMES J. HEATHER, 0000  
SCOTT W. HEINTZELMAN, 0000  
KEVIN D. HENDRICKS, 0000  
MATTHEW S. HIRGENROEDER, 0000  
DARYLE J. HIRNANDEZ, 0000  
JACQUELINE W. HESS, 0000  
KEVIN C. HICKS, 0000  
JAMES M. HIGGINS, 0000  
TOMMY R. HIGGINS, 0000  
GARY E. HILMES, 0000  
JOHN C. HINRICHS, 0000  
STEVEN L. HITE, 0000  
JOHN B. HIXON, 0000  
CHARLEY D. HOLSTEIN, JR., 0000  
TIMOTHY J. HOLTAN, 0000  
KENNETH R. HOOK, 0000  
JOHN D. HOPSON, 0000  
GARTH M. HORNE, 0000  
CLAUDE E. HOUSE, 0000  
MIGUEL D. HOWE, 0000  
MARK C. HRECUZACK, 0000  
CURTIS W. HUBBARD, 0000  
JOHN C. HUGGINS, 0000  
DARRELL H. HUNT, 0000  
DANIEL S. HURLBUT, 0000  
HEYWARD G. HUTSON, 0000  
ROBERT W. HUTSON, 0000  
PETER S. IM, 0000  
JOSEPH M. IMORDE, JR., 0000  
JERRY L. IVESTER, 0000  
TERRY A. IVESTER, 0000  
HUGO JACKSON, 0000  
JEROME W. JACKSON III, 0000  
MARK A. JACKSON, 0000  
RANDLE K. JACKSON, 0000  
RENE JACKSON, JR., 0000  
VALERIE D. JACKSON, 0000  
DOUGLAS E. JACOBSON, 0000  
GREGORY M. JAKSEC, 0000  
GREGORY K. JAMES, 0000  
SELWYN R. JAMISON, 0000  
JOHN M. JAMKA, 0000  
JEFFREY J. \* JANOSIK, 0000  
ALAN L. JANS, 0000  
NANCY W. JEANLOUIS, 0000  
BRETT C. JENKINSON, 0000  
THOMAS D. \* JESSEE, 0000

GREGORY R. JICHA, 0000  
 BERNARD JOHNSON, 0000  
 CHRISTOPHER B. JOHNSON, 0000  
 CHRISTOPHER S. JOHNSON, 0000  
 MORDECAI C. JOHNSON, 0000  
 JOEL S. JOHNSTON, 0000  
 CRAIG A. JONES, 0000  
 DAVID E. JONES, 0000  
 JOHN R. JONES, 0000  
 ROBERT A. JONES, 0000  
 JOHN E. JORDAN, 0000  
 JOSEPH R. JORDAN, 0000  
 JOSEPH W. JURKOVAC, 0000  
 BETH J. KALB, 0000  
 DAVID J. KAMMEN, 0000  
 KENNETH L. KAMPER, 0000  
 MATTHEW G. KARRER, 0000  
 CHRISTIAN M. KARSNER, 0000  
 DENNIS K. KATER, 0000  
 NICHOLAS W. KATERS, 0000  
 LAWRENCE D. \* KATZ, 0000  
 AUSTIN KEATON, JR., 0000  
 VALERY C. KEAVENY, JR., 0000  
 TIMOTHY F. KEHOE, 0000  
 THOMAS D. KELLER, 0000  
 ROBERT L. KELLEY, JR., 0000  
 MARK B. KELLY, 0000  
 KEVIN E. KENNEDY, 0000  
 JUSTIN E. KIDD, 0000  
 HAIMES A. KILGORE, 0000  
 LOUIS S. KILMON, JR., 0000  
 DAVID T. KIM, 0000  
 MICHAEL K. KINARD, 0000  
 ROBERT E. KING, 0000  
 ANDREW D. KIRKNER, 0000  
 JANET L. KIRKTON, 0000  
 JEFFRY A. KLEIN, 0000  
 LEONA C. KNIGHT, 0000  
 JOACHIM W. KNISPEL, 0000  
 CARL D. KNOTT, 0000  
 STEPHEN J. KOANEC, 0000  
 JOHN Y. KORNMAN, 0000  
 WILLIAM M. KRAHLING, 0000  
 CAMERON A. KRAMER, 0000  
 JOSEPH C. KREBS, JR., 0000  
 TROY D. KRINGS, 0000  
 ERIC J. KRUGER, 0000  
 MARK A. KRZECZOWSKI, 0000  
 KIMBERLY S. KUHN, 0000  
 JOSEPH E. LADNER, 0000  
 JEFFREY L. LAFACE, 0000  
 MARK H. LANGE, 0000  
 JOHN K. LANGE, 0000  
 RORIK W. LARSON, 0000  
 JOHN S. LASKODI, 0000  
 LESTER A. LAYMAN, 0000  
 BRUCE E. LEAHY, 0000  
 TIMOTHY J. LEAKE, 0000  
 KYLE E. LEAR, 0000  
 WILLIAM M. LEDBETTER, 0000  
 SIOBAN J. LEDWITH, 0000  
 MICHAEL P. LEFEBVRE, 0000  
 THEODORE M. LENNEN, 0000  
 HUGO F. LENTZE, 0000  
 PERRY R. LEONARD, 0000  
 DAVID A. LESPERANCE, 0000  
 CHRISTOPHER LESTOCHI, 0000  
 JOEL J. LEVESQUE, 0000  
 DAVID S. LEVINE, 0000  
 MICHAEL A. LEWIS, 0000  
 LELAND A. LIEBE, 0000  
 MICHAEL T. LILLEY, 0000  
 GREG A. LIND, 0000  
 BERNARD R. LINDSTROM, 0000  
 LAURENCE C. LOBELLE, 0000  
 TROY A. LOEB, 0000  
 JAMES M. LOFFERT, 0000  
 ANDREW D. LOHMAN, 0000  
 SCOTT P. LOPEZ, 0000  
 ARTUR M. LOUREIRO, 0000  
 COLIN E. LOWE, 0000  
 JOHN M. LOWE, 0000  
 WILLIAM A. LUKASKIEWICZ, 0000  
 SON H. LIU, 0000  
 MICHAEL R. LWIN, 0000  
 TRENTON J. LYKES, 0000  
 ROBERT W. LYONS, 0000  
 THOMAS H. MACKAY, 0000  
 LOUANNE L. MADDOX, 0000  
 ANNE M. MAHANA, 0000  
 GREGORY S. MAHONEY, 0000  
 MICHAEL J. MAMMAY, 0000  
 WILLIAM J. MANGAN, 0000  
 STEPHEN C. MANNING, 0000  
 KENNETH R. MANNELL, JR., 0000  
 JAMES C. MARRKERT, 0000  
 ERIC D. MARRATTA, 0000  
 EDGAR A. MARSHALL, 0000  
 TED L. MARTENS, 0000  
 MICHAEL E. MASLEY, 0000  
 MELINDA M. MATE, 0000  
 BENJAMIN M. MATTHEWS, 0000  
 PATRICK L. MATTHEWS, 0000  
 FRANK W. \* MAUDIE, 0000  
 KEVIN M. MCALLISTER, 0000  
 ROBERT H. MCCLURTHY III, 0000  
 DENISE I. MCCLURE, 0000  
 JUQITA D. MCCLURE, 0000  
 MARK A. \* MCCOMB, 0000  
 KENDRICK W. MCCORMICK, 0000  
 BRIAN T. MCCOY, 0000  
 GEORGE R. MCDONALD, 0000  
 PHILLIP N. MCDONALD, JR., 0000  
 JOSEPH P. MCGER, 0000  
 HUGH M. MCGLOIN, 0000  
 DANIEL C. MCGUFFEY, 0000  
 STEVEN T. MCGUGAN, 0000  
 ROBERT A. MCGUIRE, JR., 0000  
 CHRIS E. MCINTOSH, 0000  
 OWEN E. MCKAY IV, 0000  
 KEVIN M. MCKENNA, 0000  
 SEAN P. MCKENNEY, 0000  
 ANTONIO MCKOY, 0000  
 JOSEPH S. MCLAMB, 0000  
 SCOTT A. MCLAUGHLIN, 0000  
 STANLEY D. MCMILLIAN, 0000  
 RONALD W. MCNAMARA, 0000  
 BRUCE B. MCPEAK, 0000  
 WILLIAM E. MCRAE, 0000  
 MICHAEL R. MCSWEENEY, 0000  
 EDWARD A. MEAD, 0000  
 ANGELA D. MEGGS, 0000  
 LESLIE A. MEHALL, 0000  
 SCOTT L. MEIER, 0000  
 ROBERT A. MENDEL, 0000  
 CORY A. MENDENHALL, 0000  
 MONICA MENDEZ, 0000  
 ROBERT L. MENTI, 0000  
 GENE D. MEREDITH, 0000  
 JOHN W. MERRIHEW, 0000  
 ERIC N. MILLER, 0000  
 JAMES D. MILLER, 0000  
 MARK A. MILLER, 0000  
 MONICA M. MILLER, 0000  
 RALPH E. MILLER, 0000  
 THOMAS E. MILLER, 0000  
 MATTHEW C. MINGUS, 0000  
 STEVEN M. MISKA, 0000  
 JONATHAN R. \* MOELTER, 0000  
 KEVIN J. MOFFETT, 0000  
 CHRISTOPHER O. MOHAN, 0000  
 PETER J. MOLIK, 0000  
 RICHARD J. MONAHAN, JR., 0000  
 ARMIDA MONTEMAYOR, 0000  
 PETER J. MOONS, 0000  
 DAVID W. MOORE, 0000  
 JAMES S. MOORE, JR., 0000  
 PASCAL F. MOORE, 0000  
 PETER R. MOORE, 0000  
 RICARDO O. MORALES, 0000  
 JOHN M. MORGAN, 0000  
 MICHAEL D. MORGAN, 0000  
 DANIEL L. MORRIS, 0000  
 DEBORAH S. MORRIS, 0000  
 SCOTT A. MORRISON, 0000  
 MICHAEL T. MORRISSEY, 0000  
 BRUCE D. MOSSES, 0000  
 JAMES A. MOSSER, 0000  
 BERNARD L. MOKLEY, JR., 0000  
 MARTY L. MUCHOW, 0000  
 DANIEL M. MULCAHY, 0000  
 SEAN F. MULLEN, 0000  
 KEVIN J. MULVHILL, 0000  
 MICHAEL D. MUMFORD, 0000  
 THOMAS B. \* MURPHREE, 0000  
 MICHAEL J. MURPHY, 0000  
 THOMAS P. MURPHY, 0000  
 DAVID L. MUSGRAVE, 0000  
 JOHN H. MYERS, 0000  
 RONALD G. MYERS, 0000  
 KRISTINE V. NAKUTIS, 0000  
 JOHN C. NELSON, 0000  
 DAVID M. NERO, 0000  
 JONATHAN T. NEUMANN, 0000  
 CHARLES E. NEWBEGIN, 0000  
 ERIC J. NIKSCH, 0000  
 KYLE E. NORDMEYER, 0000  
 ANGLE D. NORMAN, 0000  
 DERRICK J. NORMAN, 0000  
 TIMOTHY P. NORTON, 0000  
 GARTH R. NOTEL, 0000  
 JOSEPH R. NOVACEK, JR., 0000  
 GREGORY T. NUMANT, 0000  
 BENJAMIN M. NUTT, 0000  
 DAVID M. OBERLANDER, 0000  
 LAWRENCE P. O'CONNELL, 0000  
 ANGEL A. ODOM, 0000  
 FRANK P. O'DONNELL, 0000  
 FREDERICK M. O'DONNELL, 0000  
 WESLEY R. ODUM, JR., 0000  
 WALTER S. ODUMICK, 0000  
 DOUGLAS A. OLLIVANT, 0000  
 PAUL B. OLSEN, 0000  
 CHRISTIAN E. OROURKE, 0000  
 THOMAS W. OSTEEN, 0000  
 TROY D. OTTO, 0000  
 PAUL E. OWEN, 0000  
 WILLIAM G. OXTORY, 0000  
 MARK A. PAGET, 0000  
 RICHARD P. PANNELL, 0000  
 JEFFERSON R. PANTON, 0000  
 ROBERT L. PARK, 0000  
 AMY J. PARKER, 0000  
 CHARLES N. PARKER, JR., 0000  
 DANIEL J. PARKER, 0000  
 STEVEN L. PARKER, 0000  
 KENNETH W. PARKS, 0000  
 LEON F. PARROTT, 0000  
 ROBIN E. PARSONS, 0000  
 JEFFREY S. \* PASQUINO, 0000  
 DENNIS N. PASTORE, 0000  
 MICHAEL S. PATTON, 0000  
 DANNY L. PAYNE, 0000  
 JOHN J. PEACHER, 0000  
 TERRANCE S. PEARSON, 0000  
 WILLIAM P. PEASTER, 0000  
 MARK W. PEED, 0000  
 ALLAN M. PEPIN, 0000  
 LARRY D. PERINO, 0000  
 DALE G. PETERSEN, 0000  
 SCOTT A. PETERSEN, 0000  
 DANIEL J. PETERSON, 0000  
 KEVIN S. PETTI, 0000  
 JOHN P. PETKOSEK, 0000  
 SALVATORE J. PETROVIA, 0000  
 SHAWN A. PHILLIPS, 0000  
 HOWARD J. PICKETT, 0000  
 TIMOTHY J. PIKE, 0000  
 GEORGE S. PITT, 0000  
 BILLINGSLEY G. POGUE III, 0000  
 BENNIE J. POKEMIRE, 0000  
 ROBERT M. POLLOCK, 0000  
 SHANNON G. POOL, 0000  
 JOHN P. \* POPPIE, 0000  
 JEANNE E. POWERS, 0000  
 JOHN S. PRAIRIE, 0000  
 ALAN R. PREBLE, 0000  
 DAVID A. PRIATKO, 0000  
 ERIC R. PRICE, 0000  
 JEFFREY R. PRICE, 0000  
 JUDITH M. PRICE, 0000  
 PARKER C. PRITCHARD, 0000  
 JEFFREY S. PROUGH, 0000  
 THOMAS A. PUGH, 0000  
 RICHARD S. QUAGLIATA, 0000  
 DOUGLAS L. RADDATZ, 0000  
 CAREY W. RADICAN, 0000  
 LOUIS B. RAGO II, 0000  
 MITCHELL L. RAMBIN, 0000  
 MICHAEL R. RAMIREZ, 0000  
 JON D. RANDEL, 0000  
 DAVID C. RASMUSSEN, 0000  
 ROBERT L. RASMUSSEN, JR., 0000  
 DAVID R. RAYMOND, 0000  
 KENNETH A. RECTOR, 0000  
 SCOTT W. REDD, 0000  
 MATTHEW D. REDDING, 0000  
 BRENTON E. REINHARDT, 0000  
 ERIC T. REINKOBER, 0000  
 BRETT E. REISTER, 0000  
 CARMEN M. REYESAGUAYO, 0000  
 JOHN W. REYNOLDS II, 0000  
 RICHARD G. RHYNE, 0000  
 DUANE L. RICHARDS, 0000  
 JOHN B. RICHARDSON, IV, 0000  
 WARLINE S. RICHARDSON, 0000  
 RALPH J. RIDGLE, 0000  
 KENNETH R. RIGGSBEE, 0000  
 CHARLES C. RIMBEY, 0000  
 GLORIA A. RINGOON, 0000  
 ANDREW S. RING, 0000  
 LARRY R. RITTER, 0000  
 PATRICK B. ROBERSON, 0000  
 ERIC R. ROBERTS, 0000  
 BORIS G. ROBINSON, 0000  
 LAWRENCE H. ROBINSON, 0000  
 HAZEL A. RODGERS, 0000  
 ANGEL RODRIGUEZTORRES, 0000  
 ELIZABETH B. ROGERS, 0000  
 EVERETT B. ROGERS, III, 0000  
 ANDREW M. ROHLING, 0000  
 ROBERT W. ROOKER, 0000  
 RICHARD G. ROOS, 0000  
 GARY A. ROSENBERG, 0000  
 MELANIE L. ROWLAND, 0000  
 JOSEPH P. ROYBAL, 0000  
 DAVID J. RUDE, 0000  
 ROBERT T. RUFFOLO, 0000  
 WALTER T. RUGEN, 0000  
 JAMES A. RUPKALVIS, 0000  
 SAMUEL L. RUSSELL, 0000  
 ROOSEVELT SAMUEL, SR., 0000  
 JEFFREY M. SANBORN, 0000  
 FRANK N. SANDERS, 0000  
 JOHN A. SANDERS, 0000  
 THOMAS L. SANDS, JR., 0000  
 GEORGE H. SARABIA, 0000  
 ROBERT A. SAYRE, JR., 0000  
 SCOTT L. SCALES, 0000  
 CHRISTOPHER A. SCHIRNER, 0000  
 DANIEL E. SCHNOCK, 0000  
 MARK R. SCHOENEMANN, 0000  
 CHARLES W. SCHIEDER, 0000  
 CHARLES G. SCHRETTZMAN, 0000  
 BRADLEY W. SCHRIEWER, 0000  
 ADAM J. SCHROEDER, 0000  
 ERIC E. SCHWEGLER, 0000  
 JOHN M. SCOTT, 0000  
 TORY L. SCOTT, 0000  
 JAMES F. SEARS, 0000  
 THOMAS J. SEELIG, 0000  
 THOMAS W. SEIFERT, 0000  
 MICHAEL J. SELF, 0000  
 ROGER E. SEVIGNY, 0000  
 MARK C. SHADY, 0000  
 JEFFREY SHANAHAN, 0000  
 STEVEN SHEA, 0000  
 EUGENE SHEARER, 0000  
 GEORGE A. SHELL, 0000  
 MARK L. SHEPARD, 0000  
 SETH L. SHERWOOD, 0000  
 BURTON K. SHIELDS, 0000  
 DUKE C. SHIENLE, 0000  
 MICHAEL S. SHROUT, 0000  
 JEROME T. SIBAYAN, 0000  
 JOHN W. SILKMAN, 0000  
 JEFFREY M. SILVASY, 0000  
 JOHN P. SILVERSTEIN, 0000  
 MARK T. SIMERLY, 0000  
 MICHAEL D. SIMILEY, 0000  
 SARA V. SIMMONS, 0000  
 THOMAS E. SIROIS, 0000  
 WAYNE A. SKILL, 0000  
 CLANNIE SMITH, 0000  
 CORY R. SMITH, 0000  
 DENNIS C. SMITH, 0000  
 DERRICK J. SMITH, 0000  
 GORDIE A. SMITH, 0000  
 JULIUS H. SMITH, 0000  
 MARK A. SMITH, 0000  
 MELODY D. SMITH, 0000

SPENCER L. SMITH, 0000  
 WILLIAM J. SMITH, 0000  
 ROY G. SNODGRASS, JR., 0000  
 ADAM C. SNOW, 0000  
 CRAIG T. SNOW, 0000  
 LYNDA M. SNYDER, 0000  
 EUGENE SNYMAN, 0000  
 KENT B. SOEBBING, 0000  
 GREGG C. SOFTY, 0000  
 BENJAMIN O. SOLUM, 0000  
 JAMES H. SOOS, 0000  
 JAMES E. SORENSEN, JR., 0000  
 SCOTT H. SOSSAMAN, 0000  
 ALLEN D. SOUKUP, 0000  
 DOMINIC J. SPARACIO, 0000  
 JACK R. SPARKS, 0000  
 SCOTT A. SPARKS, 0000  
 CHRISTOPHER S. SPEER, 0000  
 JAMES W. SPENCE, JR., 0000  
 NANCY SPENCER, 0000  
 KELLY C. SPILLANE, 0000  
 JAMES T. SPRACKLING, 0000  
 RICHARD D. SPRINGETT, 0000  
 JOHN P. STACK, JR., 0000  
 DEBORAH L. STAHLHUTH, 0000  
 JAMES B. STANFORD, 0000  
 PHILIP W. STANLEY, 0000  
 MURRAY P. STARKE, 0000  
 JOSEPH E. STATON, 0000  
 THOMAS H. STAUSS, 0000  
 BETH T. STEELE, 0000  
 JOHN D. STEELE, 0000  
 MICHAEL STEFANCHIK IV, 0000  
 PETER A. STEINIG, 0000  
 DANIEL S. STEMPNIAK, 0000  
 GEOFFREY D. STEVENS, 0000  
 ROBERT W. STEVENS, 0000  
 JOHN P. STEVES, 0000  
 JOHN E. STEWART, 0000  
 MARTIN E. STOKES, 0000  
 ERIK L. STOR, 0000  
 DOUGLAS A. STRAKA, 0000  
 FREDERICK C. STROKER, 0000  
 CAROL L. STROG, 0000  
 ADAM A. SULLIVAN, 0000  
 BRUCE A. SULLIVAN, 0000  
 PATRICK T. SULLIVAN, 0000  
 FERN O. SUMPTER, 0000  
 DONALD P. \* SUTTON, 0000  
 DANIEL L. SVARANOWIC, 0000  
 BRUCE R. SWATEK, 0000  
 KETTTI J. SYLVIA, 0000  
 JOHN H. TAO, 0000  
 RANDY G. TATE, 0000  
 HORATIO S. TAVEAU, 0000  
 KIRK D. TAYLOR, 0000  
 MICHAEL D. TAYLOR, 0000  
 THOMAS R. TAYLOR, 0000  
 VINCENT X. \* TELFAR, 0000  
 BRIAN J. TEMPEST, 0000  
 KIRA M. TERHUNE, 0000  
 RICHARD THEWES, JR., 0000  
 MICHAEL G. THILGES, 0000  
 MICHAEL R. THOMAS, 0000  
 GREG Z. THOMPSON, 0000  
 TOMMY G. THOMPSON, 0000  
 VINCENT D. THOMPSON, 0000  
 WILEY C. THOMPSON, 0000  
 MICHELE N. THOMPSONSHOATS, 0000  
 DAVID O. TIEDEMAN, 0000  
 GLENN A. TOLLE, 0000  
 JAMES K. TRAYER, 0000  
 CRAIG A. TRISCARDI, 0000  
 MICHAEL F. TROMBLONE, JR., 0000  
 BONITA E. TROTMANARTIS, 0000  
 DAVID A. TROUTMAN, 0000  
 JAMES H. UTLEY II, 0000  
 EDWARD T. UTZ, 0000  
 DAVID T. VACCHI, 0000  
 LOYAL C. VANDYKE, 0000  
 CHRISTOPHER S. \* VANEK, 0000  
 CHRISTOPHER F. VAUGHN, 0000  
 ALFREDO VERSOZA, 0000  
 SCOTT A. VEZEAU, 0000  
 GREG A. VIBBER, 0000  
 KEVIN A. VIZZARRI, 0000  
 DONNA L. VOELKEL, 0000  
 MATTHEW J. VOITHOFER IV, 0000  
 JOHN G. VOORHEES, JR., 0000  
 RODNEY K. WAGGONER, 0000  
 ANTHONY Q. WALKER, 0000  
 DONALD L. WALKER, 0000  
 HERMAN H. WALKER, 0000  
 ROBERT E. WALKER, 0000  
 STEPHEN R. WALKER, 0000  
 KENNETH L. WALKINGTON, 0000  
 JOSEPH F. WALSH, 0000  
 WILLIAM A. WALSKI, 0000  
 JAMES J. WALTON, 0000  
 GLENN A. WATERS, 0000  
 DALE E. WATSON, 0000  
 JOHN R. WATSON, 0000  
 JONATHAN E. WATSON, 0000  
 KENNETH D. \* WATSON, 0000  
 ROBERT L. WATSON, JR., 0000  
 TIMOTHY F. WATSON, 0000  
 GREGORY S. WAY, 0000  
 DARRYL J. WETHERFORD, 0000  
 ARTHUR G. WEEKS, 0000  
 NORMAN G. WEEKS, 0000  
 DEAN M. WIELER, 0000  
 WILLIAM B. WELSH, 0000  
 DARREN L. WERNER, 0000  
 KEVIN S. WEST, 0000  
 THOMAS G. WHARTON, 0000  
 BOOKER T. WHEELER, 0000  
 BRADLEY A. WHITE, 0000

JOHN C. WHITE, 0000  
 RICHARD E. WHITE, 0000  
 WILLIAM F. WHITE, 0000  
 DWIGHT D. WHITEHEAD, 0000  
 SAMUEL E. WHITEHURST, 0000  
 GEORGE W. WHITMIRE, 0000  
 ANTHONY K. WHITSON, 0000  
 ERIC R. WICK, 0000  
 PETER J. WILHELM, 0000  
 ARTIE S. WILLIAMS, 0000  
 BRIAN W. WILLIAMS, 0000  
 DERRIN E. WILLIAMS, 0000  
 WILBURN C. WILLIAMS, JR., 0000  
 WESLEY A. WINTERS, 0000  
 KEVIN J. WITHEE, 0000  
 ALAN D. WOODARD, 0000  
 JAMES A. WOODS, 0000  
 DOUGLAS D. WOOLLEY, 0000  
 WILLIAM S. WOZNIAK, 0000  
 DARRON L. WRIGHT, 0000  
 MICHAEL P. WRIGHT, 0000  
 JOHN P. WYMAN, 0000  
 PAUL H. YAGER, 0000  
 LEAFAINA O. YAHN, 0000  
 DENNIS W. YATES, 0000  
 HOWARD T. YATES, JR., 0000  
 RENE A. YATES, 0000  
 KRISTOPHER J. YERGER, 0000  
 PAUL L. YINGLING, 0000  
 LELAND O. YOUNG, 0000  
 STANLEY R. YOUNG IV, 0000  
 LOUIS A. ZEISMAN, 0000  
 KARL D. ZETMEIR, 0000  
 CHRIS E. ZIMMERMAN, 0000  
 DANIEL J. ZIMMERMAN, 0000  
 X0000  
 X0000  
 X0000  
 X0000  
 X0000  
 X0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

*To be major*

RONALD J. WHALEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, AND 3064:

*To be major*

VAUGHN C. WILHITE, 0000

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

*To be major*

CYLE R. RICHARD, 0000  
 THOMAS J. STEINBACH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS, AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be major*

MICHAEL I. ALLEN, 0000  
 STANLEY D. ARNOLD, 0000  
 PAUL A. BLUNDELL, 0000  
 EARL T. BOWERS, 0000  
 ROBERT J. BROTT, 0000  
 JEFFREY A. BURBANK, 0000  
 JEFFREY L. CARTEE, 0000  
 BRIAN W. CHEPEY, 0000  
 HAROLD E. CLINE, 0000  
 DALE A. CODE, 0000  
 SCOTT C. CROSSFIELD, 0000  
 KEVIN M. DOLL, 0000  
 LYNDON S. FLUEGEL, 0000  
 ROBERT J. GLAZENER, 0000  
 DAVID V. GREEN, 0000  
 KENNETH L. HARTORSON, 0000  
 LAWRENCE E. HAMRICK, JR., 0000  
 THOMAS S. HELMS III, 0000  
 ANTHONY W. HORTON, 0000  
 KENNETH J. HURST, 0000  
 DENNIS E. HYSOM, 0000  
 TERENCE L. KESLING, 0000  
 CHU W. KIM, 0000  
 YOUNG D. KIM, 0000  
 MERRILL D. KNIGHT, JR., 0000  
 RAJMUND KOPEC, 0000  
 YO S. LEE, 0000  
 DAVID W. LILE, 0000  
 PAUL D. MADEJ, 0000  
 KAREN L. MEEKER, 0000  
 DANIEL R. MIDDLEBROOKS, 0000  
 RAYMOND E. MOORE, JR., 0000  
 WILLIAM C. NICHOLAS, JR., 0000  
 DANIEL R. PETSCH, 0000  
 DARIN M. POWERS, 0000  
 DAVID M. RAMSEY, 0000  
 MICHAEL L. REEVES, 0000  
 GINA D. ROCHELLE, 0000  
 RORY A. RODRIGUEZ, 0000  
 DAVID SANTIAGORUIZ, 0000  
 STEVEN L. SIMPSON, 0000  
 PHILIP T. SMILEY, 0000  
 ROBERT A. SMITH, 0000  
 JEFFREY L. SPANGLER, 0000

ALLEN W. STALEY, 0000  
 MATTHEW S. WYSOCKI, 0000

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

*To be major*

JACQUELINE B. CHEN, 0000  
 RICHARD P. DUNCAN, 0000  
 STEPHEN R. INNANEN, 0000  
 ROSEMARIE P. KIRZNER, 0000  
 JAMES W. NESS, 0000  
 GARY W. TRYNISZEWSKI, 0000

*To be captain*

BRIAN L. ADAMS, 0000  
 MATTHEW L. AGIUS, 0000  
 NKENGE A. AMENRA, 0000  
 STEVEN R. BALLARD, 0000  
 JOHN B. BALMAN, 0000  
 TIMOTHY S. BATTIG, 0000  
 DANIEL A. BELLIN, 0000  
 MISTY D. BLOCKER, 0000  
 HOOVER J. BULKER, 0000  
 JASON K. BURRIS, 0000  
 CECILIA X. CHEN, 0000  
 RICHARD CLARK, 0000  
 MICHAEL N. CLEMENSHAW, 0000  
 KEVIN M. CRON, 0000  
 CHAD M. CRYER, 0000  
 PATRICK E. DAVIS, 0000  
 KENNETH B. DEKAY, 0000  
 RICHARD R. DELANEY, 0000  
 RAMONA A. DEVENEY, 0000  
 THOMAS C. DOWD, 0000  
 CHRISTOPHER H. FINCH, 0000  
 SUZANNE M. GILLERN, 0000  
 JOSE B. GROSPE, 0000  
 THOMAS H. GRANT, 0000  
 REY D. GUMBOC, 0000  
 KEVIN B. GUTHMILLER, 0000  
 AATIF M. HAYAT, 0000  
 KENNETH S. HELGREN, 0000  
 TIMOTHY J. HEPLER, 0000  
 LINDA C. HIRD, 0000  
 JENNIFER M. HOFFMAN, 0000  
 JOHN K. HOFFMAN, JR., 0000  
 JACOB S. HOGUE, 0000  
 JAMES T. HSU, 0000  
 TIMOTHY V. JARDELEZA, 0000  
 JENNIFER S. KICKER, 0000  
 TRISTAN L. KNUTSON, 0000  
 JOHANNAH B. KONE, 0000  
 TINA M. KOPILCHACK, 0000  
 CHRISTOPHER M. KREBS, 0000  
 CLEMENS S. KRUSE, 0000  
 REED B. KUEHN, 0000  
 CLAYTON C. LANGDON, 0000  
 FELISA S. LEWIS, 0000  
 KIRK N. LIESEMER, 0000  
 GEORGE F. LIN, 0000  
 DEXTER L. LOVETT, 0000  
 GERALDINE LUBKEMAN, 0000  
 THOMAS R. MAGRA, 0000  
 TAMMY J. MAN'ZOURIS, 0000  
 TODD J. MCARTHUR, 0000  
 BRUCE C. MCGEE, 0000  
 JAY H. MCKENNA, 0000  
 MEGAN L. MCNICOL, 0000  
 GARRETT J. MEYERS, 0000  
 LUKE R. MICHELS, 0000  
 DEBORAH L. MOORE, 0000  
 MICHAEL R. MOORE, 0000  
 GARY L. MURVIN, 0000  
 ELISA D. OHERN, 0000  
 ANASTASIA M. PIOTROWSKI, 0000  
 AUTUMN M. RICHARDS, 0000  
 BETH A. SALTER, 0000  
 JASON E. SAPP, 0000  
 MICHAEL A. SHARMA, 0000  
 JUSTIN M. SHIELDS, 0000  
 EARL J. SMITH, 0000  
 MELBA STETZ, 0000  
 LEAH M. STROBEL, 0000  
 SHANE M. SUMMERS, 0000  
 LELAND D. TAYLOR, 0000  
 SARAH K. TAYLOR, 0000  
 BRETT J. THEELER, 0000  
 SAIOA TORREALDAY, 0000  
 ZACHARY S. TURNER, 0000  
 JAMES V. TWEDE, 0000  
 ERIC G. VERWIEBE, 0000  
 PATRICK J. VOORHEES, 0000  
 DAVID L. WAITE, 0000  
 JUSTIN M. WELLS, 0000  
 MICHAEL J. WILHELM, 0000  
 KAREN L. WILSON, 0000

*To be first lieutenant*

TIMOTHY K. BERTUCCO, 0000  
 SCOTT T. FESTA, 0000  
 LATONYA R. JONES, 0000  
 DONALD J. MCNEIL, 0000  
 CAMPOS R. I. ORTIZ, 0000  
 MOISES SOTO, 0000

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

*To be major*

JEAN M. BRADY, 0000  
 IVETTE JUSTICE, 0000

SUE A. MCCANN, 0000  
PATRICK B. POLK, 0000

*To be captain*

ROY W. ALABRAN, 0000  
MARIE L. BANKS, 0000  
REBECCA L. BURROWS, 0000  
GLEN E. CARLSSON, 0000  
MARGARET D. CECIL, 0000  
EMETERIO L. CERBAS, 0000  
RICHARD CLARK, 0000  
ROBERT L. CORSON, 0000  
SHIRLEY DANIEL, 0000  
THOMAS J. DERION, 0000  
NANCY A. EMMA, 0000  
LINDA S. GOWENLOCK, 0000  
GREGORY L. LARA, 0000  
LESTER E. MACK, 0000  
RESTITUTO Y. MALLARI, 0000  
GENERA D. MILLER, 0000  
DEBRA J. MURRAY, 0000  
CARPETILLO E. ROSADO, 0000  
DEBORAH G. SAVAGE, 0000  
TYKE S. STEWART, 0000  
RENA F. TRUMBULL, 0000

*To be first lieutenant*

RICKY A. EVANS, 0000  
WINIFRED M. GRADY, 0000  
ANITA E. JONES, 0000  
NORMAN E. MORRIS, 0000  
MESHELLE A. TAYLOR, 0000

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

*To be major*

ROMAN B. REYES, 0000

*To be captain*

ROGER L. BALL, 0000  
GEORGE A. BARBEE, 0000  
STEVEN L. BRIGGS, 0000  
ROBERT F. COLLINS, 0000  
EARL K. DOWNS, 0000  
JEFFREY P. GODWIN, 0000  
ROBERT R. HOWES, 0000  
ANTHONY A. JAMES, 0000  
JOSEPH T. KLAPPERICH, 0000  
SHAN M. KROGER, 0000  
MARK E. LESTER, 0000  
CHRISTOPHER A. LUSTER, 0000  
CYNTHIA MCPHERSON, 0000  
BRYAN W. MEECE, 0000  
GEORGE S. MIDLA, 0000  
JEFFREY C. MOTT, 0000  
CHARLES A. NEAL IV, 0000  
PATRICK W. ONEILL, 0000  
WAYNE F. PILZ, 0000  
PAUL G. ROGERS, 0000  
BRENT R. THOMPSON, 0000  
ARTHUR F. YEAGER, 0000

*To be first lieutenant*

TERRANCE T. FEE, 0000  
JOHN P. FRASURE, 0000  
CHRISTOPHER VAN WINKLE, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

ANTHONY T. FEBBO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

*To be captain*

JACK F. DALRYMPLE, JR., 0000  
MARK E. DONAHUE, 0000  
ELLEN M. JEWETT, 0000  
JEFFREY M. NEVELS, 0000

*To be commander*

JAMES P. FLINT, 0000  
DANIEL A. FREILICH, 0000  
JACK E. HANZLIK, JR., 0000  
KURT P. HARDY, 0000  
LOUIS V. LAVOPA, 0000  
MATTHEW J. E. LAWLESS, 0000  
ANDREA L. SHORTER-EVANS, 0000  
JEFFREY W. TIMBY, 0000

*To be lieutenant commander*

STEPHEN G. ALFANO, 0000  
JEFFREY M. ALVES, 0000  
JOEL M. APIDES, 0000  
ANTHONY A. ARITA, 0000  
ADAM W. ARMSTRONG, 0000  
ROBERT C. BARBEE, 0000  
JAMES S. BRUSKE, 0000  
JANIS R. CARLTON, 0000  
WALTER S. CARR, 0000  
PETER R. CATALANO, JR., 0000  
KEVIN E. CHESHURE, 0000  
DENNIS J. FAIX, 0000  
JULIE A. GNOZA, 0000

CARY E. HARRISON, 0000  
RUSSELL B. HAYS, JR., 0000  
CHRISTOPHER M. JACK, 0000  
PATRICK R. LARABY, 0000  
MICHAEL D. LEBU, 0000  
CHAD A. LEE, 0000  
GABRIEL LEE, 0000  
JAMIE M. LINDLY, 0000  
ROBERT J. LIPSITZ, 0000  
CHRISTOPHER G. LYNCH, 0000  
NATHANIEL R. MARLER, 0000  
RYAN P. MATHERNE, 0000  
FRITZI J. MCDONALD, 0000  
LISA M. MCGOWAN, 0000  
KEVIN M. OCONNOR, 0000  
ANTHONY J. OPILKA, 0000  
PAUL ORTA, 0000  
CAMERON P. RATKOVIC, 0000  
PAUL L. REED, 0000  
GEORGE M. RICE, 0000  
RICHARD SAM, 0000  
ERIK J. SCHWEITZER, 0000  
INGRID V. SHELDON, 0000  
DANIEL J. SMELIK, 0000  
SCOTT W. STUART, 0000  
RAMBERTO A. TORRUELLA, 0000  
THOMAS C. WALTER, 0000  
FRED R. WILHELM III, 0000

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

*To be lieutenant commander*

OHENE O. GYAPONG, 0000  
LESLIE C. L. HULLRYDE, 0000  
HERBERT L. JOSEY, 0000  
GARRETT D. KASPER, 0000  
WILLIAM J. MARKS, 0000  
PAULINE F. PIMENTEL, 0000  
TAMSEN A. REESE, 0000  
GARY L. ROSS, 0000  
KATHLEEN M. SANDOZ, 0000  
KEVIN R. STEPHENS, 0000

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

*To be lieutenant commander*

BRUCE W. BEAM, 0000  
JEFFREY S. DIXON, 0000  
LORA A. EGLEY, 0000  
SHAWN G. GALLAHER, 0000  
CARL S. JAMES, 0000  
THOMAS B. KEEFER, JR., 0000  
ERICA A. KRAFT, 0000  
DEBORAH L. MABEY, 0000  
DOUGLAS L. ROUSH, 0000  
ADRIA R. SCHNECK-SCOTT, 0000  
ANDREW J. SEXTON, 0000  
KEIR D. STAHLHUT, 0000  
KELLY E. TAYLOR, 0000  
ALLON G. TUREK, 0000  
CHARLOTTE A. WELSCH, 0000  
SEAN P. YEMM, 0000

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

*To be lieutenant commander*

SHEILA T. ASBURY, 0000  
DARIAN CALDWELL, 0000  
JOHN J. CALVERT, JR., 0000  
ANDREA H. CAMERON, 0000  
GALO E. CHAVES, 0000  
GROVER N. CRAFT, JR., 0000  
JOSE G. HERNANDEZ, 0000  
NATHAN J. KING, 0000  
LEE A. LEVELLS, 0000  
JAMES F. LEVINNESS, JR., 0000  
DAISY M. LUTTRELL, 0000  
STEVEN M. MILINKOVICH, 0000  
ELENA G. PECENCO, 0000  
FRED L. STEWART, 0000  
CHRISTIAN A. STOVER, 0000  
IVAN FERRY, 0000  
JAMES V. WALSH, 0000

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

*To be lieutenant commander*

KHARY A. BATES, 0000  
JAMES M. BELMONT, 0000  
FRANKLIN W. BENNETT, 0000  
GRADY G. DUFFEY, JR., 0000  
MITCHELL E. FIELDS, 0000  
RAMIRO E. FLORES, 0000  
ARSENIO S. FRANCISCO, 0000  
JAMES P. GALYEAN IV, 0000  
ALBERTO A. GARCIA, 0000  
GRANT GORTON, 0000  
ELIZABETH M. HAMILTON, 0000  
RICO R. HARRIS, 0000  
WESLEY E. HENRIE, 0000  
CARL C. HINK, 0000  
WILLIAM J. HOLLIS, 0000  
ROLANDO R. IBANEZ, 0000  
BRETT D. INGLE, 0000  
ANNETTE KELLY, 0000  
STEVEN W. LEIHE, 0000  
JOSE F. MONTES, 0000  
ROBERT W. POSEY II, 0000  
MICHELLE G. ROSEANO, 0000

BOBBY B. SAVANH, 0000  
RODNEY L. SIMON, 0000  
DAVID A. VONDRACK, 0000  
JASON M. WALDRON, 0000  
MATTHEW T. WILCOX, 0000  
SEAN A. WILSON, 0000  
AARON J. ZIELINSKI, 0000

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

*To be lieutenant commander*

THANONGDETH T. CHINYAVONG, 0000  
WILLIAM W. COOK, 0000  
JOHN D. CZOHARA, 0000  
TUAN Q. DANG, 0000  
ANDREW R. DITTMER, 0000  
PETER C. HAKEWESSELL, 0000  
JASON S. JONES, 0000  
KAMBRA R. JUVE, 0000  
JONATHAN C. KALTWASSER, 0000  
KRISTIAN P. KEARTON, 0000  
JOHN E. LARSON, JR., 0000  
JAMES A. LECOUNTE, 0000  
JEFFREY L. LLOYDJONES, 0000  
JOHN S. MARINOVICH, 0000  
LISA M. MCLAUGHLIN, 0000  
KENT A. MEYER, 0000  
LLOYD M. MORNEAULT, 0000  
STELLA B. NEALY, 0000  
JASON A. PARISH, 0000  
CALEB POWELL, JR., 0000  
KURT L. ROHLMER, 0000  
ANDRE N. ROWE, 0000  
MARTIN J. SABEL, 0000  
MICHAEL H. SANDERS, 0000  
WILLIAM H. TROUTMAN, 0000  
DAVID A. VALENTINE, 0000  
DIEGO VELASCO, JR., 0000  
JONATHAN J. VOJE, 0000  
JAMES J. WATSON, 0000  
WILLIAM E. WREN, JR., 0000

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

*To be lieutenant commander*

RICHARD S. ARDOLINO, 0000  
JON D. BRISAR, 0000  
GINALYN N. BROCK, 0000  
WILLIE D. BROWN, 0000  
CHRISTOPHER D. CHUHRAN, 0000  
PAUL D. CLIFFORD, 0000  
KEITH P. DOUGLAS, JR., 0000  
FRANK L. DUGIE, 0000  
ROBERT C. ECHOLS, 0000  
KEITH A. FELKER, 0000  
CONSTANCE R. S. FERNANDEZ, 0000  
JASON S. HALL, 0000  
MANUEL A. HERNANDEZ, 0000  
ANDREW R. HUNT, 0000  
TODD D. JACK, 0000  
JAY D. JAMISON, 0000  
EUGENE T. KRAMER, 0000  
CARA G. LAPOINTE, 0000  
THOMAS J. MACK, 0000  
CEDRIC J. MCNEAL, 0000  
RAMIRO E. ORELLANO, 0000  
STEVEN G. PLONKA, 0000  
IRVING B. POLLARD, 0000  
DAVID L. RAMTHUN, 0000  
DEREK E. REEVES, 0000  
LINDA K. REYNOLDS, 0000  
SCOTT D. ROBERTS, 0000  
CHARLES A. SCHLISE, 0000  
AARON M. STETLER, 0000  
JASON STRACQUALURSI, 0000  
SCOTT P. TOMPKINS, 0000  
JOSEPH B. TORREZ, 0000  
ELIZABETH J. TOUSE, 0000  
MICHAEL P. TOUSE, 0000  
NICOLE M. TREEMAN, 0000  
MARTIN C. WALLACE, 0000  
ERIC L. WILLIAMS, 0000  
TIMOTHY L. ZANE, 0000  
BENJAMIN D. ZITTERE, 0000

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

*To be lieutenant commander*

JAMIE W. ACHEE, 0000  
JOSEPH W. BABB, 0000  
JULIO BESS, 0000  
BENJAMIN G. BLAZADO, 0000  
ROBERT W. BOSHONEK, 0000  
DANIEL M. BROOKES, 0000  
BRY CARTER, 0000  
ANN E. CASEY, 0000  
LEONARD W. CAVER, 0000  
EDMUND J. CHAFFEE III, 0000  
COLIN W. CHINN, 0000  
HAROLD T. COLE, 0000  
SHAWN T. COLLIER, 0000  
THOMAS COONEY, 0000  
NICHOLAS C. CROMWELL, JR., 0000  
ROBERT S. DAMSKY, 0000  
MINJI DANIELS, 0000  
DAVID W. FILANOWICZ, 0000  
REGINALD F. HALL, 0000  
RICHARD H. HARRISON, 0000  
DAVID B. HAUSWIRTH, 0000  
BRIAN C. HOERST, 0000  
MARIANGEL IBARRA, 0000

BARRY L. JAMES, JR., 0000  
 THEODORE R. JOHNSON, 0000  
 MARC W. RATKUS, 0000  
 KEVIN S. ROBERTS, 0000  
 FREDERICK M. SANT, 0000  
 OWEN M. SCHOOLSKY, 0000  
 JOSEPH D. SEARS, 0000  
 DOUGLAS K. SHAMLIN, 0000  
 MATTHEW N. SMITH, 0000  
 SHERRILL D. STAMEY, 0000  
 ROBERT J. SUH, 0000  
 PAUL B. TRIPP, 0000  
 STEPHEN M. UGOLINI, 0000  
 CHRISTOPHER A. WEECH, 0000  
 DOUGLAS A. WHEATON, 0000  
 NORMAN B. WOODCOCK, 0000  
 HOLLY A. YUDISKY, 0000

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

*To be lieutenant commander*

BRIAN M. AKER, 0000  
 LEAH AMERLING, 0000  
 CHRISTOPHER R. ANDERSON, 0000  
 DEETTA L. BARNES, 0000  
 ENRIQUE C. BERNAL, JR., 0000  
 MICHAEL S. BERRY, 0000  
 JAMES L. BOND, 0000  
 KENNETH W. BURKE, JR., 0000  
 MICHAEL B. CAIMONA, 0000  
 JAMIE A. CALABRESE, 0000  
 ANDREW J. CAMPBELL, 0000  
 WILLIAM J. CHARAMUT II, 0000  
 RONALD M. COUTURE, 0000  
 KEVIN A. COX, 0000  
 JAY P. DEWAN, 0000  
 CURTIS D. DEWITT, 0000  
 STEVEN P. DUFFY, 0000  
 JOHN E. EAVES, JR., 0000  
 JASON K. EDGINGTON, 0000  
 JOSEF A. ELCHANAN, 0000  
 JASON C. ENGLISH, 0000  
 PATRICK J. FORD, 0000  
 EDWARD C. FOXWORTH, JR., 0000  
 ALEXANDER GONZALEZ, 0000  
 CARRIE L. GRAY, 0000  
 LARRY B. GROSSMAN, 0000  
 CHRISTOPHER W. HALL, 0000  
 SUSAN HLAD, 0000  
 MICHAEL E. HOBAUGH, 0000  
 ALAIN M. ILIRIA, 0000  
 JEFFERY M. KARGOL, 0000  
 PETER M. KOPROWSKI, 0000  
 TIMOTHY A. KUNKEL, 0000  
 PETER T. LAIRD, 0000  
 RENE LAVERDE, 0000  
 CHARLES D. LAZAR, JR., 0000  
 KIRK A. LEE, 0000  
 CHRISTOPHER J. LIEDQUIST, 0000  
 VICTOR B. MINELLA, 0000  
 MCADAM K. H. MOGHADDAM, 0000  
 JOHN S. MORELL, JR., 0000  
 SCOTT A. MOSEMAN, 0000  
 THOMAS A. MOSKO, 0000  
 STEPHEN E. MOTTER, 0000  
 SHAWN P. MOYER, 0000  
 THOMAS A. MURPHY, JR., 0000  
 MICHAEL L. NASON, 0000  
 DAVID K. NG, 0000  
 THOMAS A. PETERSEN, 0000  
 RONALD J. PIEPER, JR., 0000  
 ALLISON E. RITSCHER, 0000  
 CRAIG J. SCHLOTKE, 0000  
 KRISTOFER J. SCOTT, 0000  
 RALPH B. SHIELD, 0000  
 DAVID K. SIDEWAND, 0000  
 JAMES R. SISCO, JR., 0000  
 JOSEPH M. SPAHN, 0000  
 PATRICK J. VEGELER, 0000  
 GEORGE A. WESTLAKE, 0000  
 DANNY A. WILLIAMS, 0000  
 ANDRE R. WILSON, 0000  
 JOSHUA B. WILSON, 0000  
 PAUL H. WILT, 0000  
 GARY WINTON, 0000  
 DAVID P. WOLYNSKI, 0000  
 RONALD E. YUN, JR., 0000

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

*To be lieutenant commander*

DAVID L. AAMODT, 0000  
 DAVID A. ABERNATHY, 0000  
 DEREK S. ADAMETZ, 0000  
 COY M. ADAMS, JR., 0000  
 JAMES P. ADAMS, 0000  
 JOHN E. AGER, 0000  
 ALBERT A. ALARCON, 0000  
 HILARY A. ALBERS, 0000  
 ERIC J. ALDERMAN, 0000  
 GREGORY G. ALLGAIER, 0000  
 CHARLES E. ALLISON, 0000  
 STEPHEN W. ALLUM, 0000  
 ROBERT W. ALPIGINI, JR., 0000  
 LUIS ALVA, 0000  
 JOSEPH A. AMARAL, 0000  
 ALEXANDER D. ANDERSON, 0000  
 KENNETH D. ANDERSON, 0000  
 JEREMY T. ANDREW, 0000  
 MATTHEW T. ANDREWS, 0000  
 WAYNE W. ANDREWS III, 0000  
 STEVEN W. ANTCLIFF, 0000  
 LONNIE L. APPELGET, 0000

RICHARD M. ARCHER, 0000  
 SCOTT E. ARMSTRONG, 0000  
 PETER A. ARROBIO, 0000  
 DANIEL P. ARTHUR, 0000  
 AARON C. ASH, 0000  
 ROBERT S. ASHBURN, 0000  
 AARON R. AUSTIN, 0000  
 GEORGE J. AUSTIN, 0000  
 GREGORY L. BADGER, 0000  
 KENNETH N. BAGUSO, 0000  
 PHILIP M. BAHEN, 0000  
 JAMES D. BAHR, 0000  
 JASON W. BAILEY, 0000  
 DAVID S. BAIRD, 0000  
 LINDSEY J. BAKER III, 0000  
 PATRICK R. BALDAUFF, 0000  
 SAMANTHA D. BALDWIN, 0000  
 NATHAN A. BALLOU, 0000  
 DANIEL J. BALSINGER, 0000  
 PAUL V. BANDINI, 0000  
 CRAIG D. BANGOR, 0000  
 CHRISTOPHER M. BANKS, 0000  
 MATTHEW A. BARKER, 0000  
 MATTHEW R. BARR, 0000  
 LUKE A. BARRADELL, 0000  
 OSCAR A. BARROW, 0000  
 TOBIN P. BASFORD, 0000  
 MAXWELL C. BASSETT, 0000  
 LORY N. BATTAGLIA, 0000  
 GARTH A. BAULCH, 0000  
 JOSEPH W. BAYER, 0000  
 JEFFREY T. BEARDEN, 0000  
 MICHAEL P. BECKER, 0000  
 MICHAEL C. BECKETTE, 0000  
 ROBERT E. BELK, 0000  
 KENNETH R. BELKOPFER, JR., 0000  
 BRIAN H. BENNETT, 0000  
 RICHARD C. BENTS, 0000  
 RYAN J. BERNACCHI, 0000  
 ROBERT A. BERNER, 0000  
 JEFFREY R. BESSLER, 0000  
 KEITH R. BIANDO, 0000  
 ANTHONY J. BILOTTI, 0000  
 JOHN F. BISCHOP, 0000  
 MARTY R. BISCHOFF, 0000  
 CARL M. BLAHNIK, 0000  
 JOHN E. BLANKENSHIP, 0000  
 ROBERT D. BLONDIN, 0000  
 KURT F. BOENISCH, 0000  
 CHRISTOPHER G. BOHNER, 0000  
 SHAWN A. BOHRER, 0000  
 MATTHEW R. BOLAND, 0000  
 TODD M. BOLAND, 0000  
 CHAD A. BOLLMANN, 0000  
 DEWUAN L. BOOKER, 0000  
 JAMES E. BOOMER, 0000  
 GEORGE C. BOROVINA, 0000  
 DONALD W. BOWKER, 0000  
 PATRICK W. BOYCE, 0000  
 ANNA E. BOYD, 0000  
 JOHN J. BRABAZON, 0000  
 JONATHAN J. BRADFORD, 0000  
 MATTHEW BRADSHAW, 0000  
 MICHAEL J. BRAND, 0000  
 MICHAEL D. BRASSEUR, 0000  
 ROBERT S. BRIDGES, JR., 0000  
 CHRIS T. BRINKAC, 0000  
 NEAL BRINN, 0000  
 DAVID S. BRINSON, 0000  
 CASEY C. BRONAUGH, 0000  
 MICHAEL J. BRONS, 0000  
 JAMIE M. BROOKS, 0000  
 ROBERT J. BROOKS, 0000  
 STEPHEN G. BROOKS, 0000  
 GREGORY K. BROTHERTON, 0000  
 LESTER A. BROWN, JR., 0000  
 RAY B. BROWN, 0000  
 RYAN D. BROWN, 0000  
 TODD M. BRUEMER, 0000  
 CORY S. BRUMMETT, 0000  
 EDWIN F. BRUSH III, 0000  
 ROBERT T. BRYANS, 0000  
 CHRISTOPHER G. BRYANT, 0000  
 RYAN J. BRYLA, 0000  
 CHRISTOPHER M. BUGG, 0000  
 MICHAEL A. BURCHIK, JR., 0000  
 RICHARD G. BURGESS, 0000  
 IAN P. BURGOON, 0000  
 RODMAN D. BURLEY III, 0000  
 SEAN M. BURROW, 0000  
 JAMIE F. BURTIS, 0000  
 JOHN P. BUSEY, 0000  
 WILLIAM C. BUSHMAN, JR., 0000  
 CHARLES J. BUSTAMANTE II, 0000  
 STEPHANIE J. BUTLER, 0000  
 JOSEPH C. BUTNER IV, 0000  
 JONATHAN M. BUTZKE, 0000  
 ERIC M. BUUS, 0000  
 DAVID W. BYRD, 0000  
 JOHNNIE L. CALDWELL, 0000  
 SHARIF H. CALFEE, 0000  
 MARK J. CALLARI, 0000  
 HUNG G. CANFIELD, 0000  
 HUNG CAO, 0000  
 ADAM T. CARLSTROM, 0000  
 RYAN K. CARMICHAEL, 0000  
 RICHARD W. CARNICKY, 0000  
 CHARMAINE A. CARR, 0000  
 JEFFREY A. CARROLL, 0000  
 JEFFREY L. CAVE, 0000  
 RYAN C. CECH, 0000  
 JILL R. CESARI, 0000  
 WILL J. CHAMBERS, 0000  
 EDWARD M. CHANDLER, 0000  
 JOHN C. CHAUVIN, 0000  
 MICHAEL A. CHENOWETH, 0000  
 BRIAN J. CHEYKA, 0000

JEFFREY CHIANG, 0000  
 CLARK C. CHILDERS, 0000  
 JAMES C. CHITKO, 0000  
 MARC R. CHRISTINO, 0000  
 MICHAEL J. CLARK II, 0000  
 PATRICK B. CLARK, 0000  
 GABRIEL T. CLEMENS, 0000  
 PHILIP R. CLEMENT, 0000  
 DWIGHT L. CLEMONS II, 0000  
 CLINTON R. CODY, 0000  
 JOSEPH M. COLE, 0000  
 MATTHEW T. COLLINS, 0000  
 JAMES J. CONATSER, 0000  
 THOMAS G. CONROE, 0000  
 WILLIAM T. COOK, 0000  
 JOSEPH S. COOPER, 0000  
 TODD P. COPELAND, 0000  
 JEFFREY E. COTE, 0000  
 RICHARD G. COUTURE, JR., 0000  
 JOHN D. CRADDOCK, 0000  
 CLARKE F. CRAINE, 0000  
 J. S. CRAMER, 0000  
 GREGORY A. CRAWFORD, 0000  
 PAUL D. CRAWFORD, 0000  
 KENNETH T. CREAMEANS, 0000  
 MATTHEW M. CRISTO, 0000  
 JOHN L. CROGHAN, 0000  
 EDWARD M. CROSSMAN, 0000  
 MARK E. CROWE, 0000  
 PHILLIP D. CRUZ, 0000  
 MICHAEL P. CUMMINS, 0000  
 ROSS H. CUNNINGHAM, 0000  
 MATTHEW W. CUTTER, 0000  
 JEFFREY CYR, 0000  
 CRAIG L. DALLE, 0000  
 ROBERT V. DANIELS, 0000  
 WESLEY S. DAUGHERTY, 0000  
 WAYNE E. DAVEY, 0000  
 PORNCHAI DAVIDSON, 0000  
 WILLIAM M. DAVIS, 0000  
 COLIN P. DAY, 0000  
 MICHELE M. DAY, 0000  
 MARK R. DEBUSE, 0000  
 SAMUEL F. DECASTRO, 0000  
 BOYD C. DECKER, 0000  
 GEORGE K. DEMETRIADES, 0000  
 DUSTIN A. DEMOREST, 0000  
 JOHN W. DEPREE, 0000  
 JEFFREY A. DERMODY, 0000  
 PAUL C. DESAULNIERS, 0000  
 LANCE B. DETTMANN, 0000  
 GREGG C. DEVAELE, 0000  
 GREGORY P. DEWINDT, 0000  
 THEODORE T. DIAMOND, 0000  
 GRAHAME A. DICKS, 0000  
 CYNTHIA A. DIETTER, 0000  
 JOHN A. DIGIOVACCHINO, 0000  
 AARON W. DIMMOCK, 0000  
 RICHARD L. DIVINEY, 0000  
 JAMES E. DOLING, 0000  
 THOMAS A. DONOVAN, 0000  
 BRIAN P. DOWNEY, 0000  
 BRETT W. DRESDEN, 0000  
 JEANPAUL E. DUBE, 0000  
 CHRISTOPHER S. DUDLEY, 0000  
 MATTHEW J. DUFFY, 0000  
 DEAN F. DUNLOP, 0000  
 RYAN K. DUNN, 0000  
 STEVEN G. DUTTER, 0000  
 ANTHONY S. DUTTERA, 0000  
 DARNELL S. EDWARDS, 0000  
 PETER J. EHLERS, 0000  
 MARK R. EHMANN, 0000  
 DAVID W. EISEN, 0000  
 RYAN K. EISENBRDT, 0000  
 TERESA E. ELDERS, 0000  
 SHANE ELLER, 0000  
 JOEL A. ELLINGSON, 0000  
 DAVID W. ERIKSEN, 0000  
 KIMBERLY D. ERNST, 0000  
 THOMAS A. ESPARZA, 0000  
 JESSE G. ESPE, 0000  
 JOSEPH G. ESPIRITU, 0000  
 ERIK C. ESTENSON, 0000  
 JAMES S. EVANS, 0000  
 MICHAEL A. EVANS, 0000  
 RICHARD A. EVANS, 0000  
 RUSSELL R. EVANS, 0000  
 WILLIAM F. EVANS, 0000  
 ROBERT J. EVERLING, 0000  
 HOWARD B. FARACHER II, 0000  
 BILLY K. FAGAN, 0000  
 LEMUEL D. FAGAN, 0000  
 TIMOTHY E. FAHEY, 0000  
 CHAD M. FALGOUT, 0000  
 WILLIAM L. FALLS, 0000  
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 MARK R. KELLER, 0000  
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 JAMES R. KENNY, 0000  
 BARRY F. KERTANIS, 0000  
 PAUL A. KESLER, 0000  
 HENRY S. KIM, 0000  
 JOHN J. KIM, 0000  
 PETER S. KIM, 0000  
 DERRICK W. KINGSLEY, 0000  
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 CHRISTOPHER E. KIRBY, 0000  
 RYAN P. KLAHSEN, 0000  
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 BRIAN C. KNOL, 0000  
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 MILTON L. KNUDSEN, JR., 0000  
 MATTHEW S. KOERBER, 0000  
 HOWARD C. KOLB, 0000  
 DARAVANH V. KOLLASCH, 0000  
 THOMAS G. KORSMO, 0000  
 RICHARD K. KOSLER, 0000  
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 SVEN KRAUSS, 0000  
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 MATTHEW J. LABERT, 0000  
 DAVID J. LAKAMP, 0000  
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 ROBERT W. LANDIS, 0000  
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 BRETT A. LASSEN, 0000  
 GEORGE J. LATOUR III, 0000  
 GARY LAZZARO, 0000  
 RICHARD LEBRON, 0000  
 HAROLD D. LEDBETTER, 0000  
 PETER R. LEO, 0000  
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 FREDERICK R. LICKFOLD, 0000  
 BENJAMIN H. LIEN, 0000  
 ANDREW G. LIGGETT, 0000  
 GLENN A. LININGER, 0000  
 ANTHONY C. LITTMANN, 0000  
 JOHN A. LO, 0000  
 BRIAN D. LONG, 0000  
 DAVID LOO, 0000  
 SEAN P. LOOFBOURROW, 0000  
 ANDREW P. LOTH, 0000  
 RONALD B. LOTT, JR., 0000  
 RAYMOND P. LOWMAN III, 0000  
 RODERICK L. LUCAS, 0000  
 MARK R. LUKKEN, 0000  
 JOHN M. LYDON, 0000  
 JAMES B. LYNCH, 0000  
 MELONY A. LYNCH, 0000  
 JOHN M. MAFFI, 0000  
 MICHAEL J. MAJEWSKI, 0000  
 JONI M. MAKAR, 0000  
 MICHAEL D. MANNINGHAM, 0000  
 WILLIAM T. MANSKE, 0000  
 DAVID R. MARKLE, 0000  
 SAMUEL I. MARSHALL, 0000  
 MICHAEL C. MARTIN, 0000  
 CHRISTOPHER E. MARTINEZ, 0000  
 JOE V. MARTINEZ, 0000  
 ERIC L. MASON, 0000  
 JAMES D. MASON, JR., 0000  
 BRIAN M. MASTERSON, 0000  
 MATTHEW A. MATO, 0000  
 EDWARD C. MAULBECK, 0000  
 NICOLE L. MAVERSHERE, 0000  
 THOMAS A. MAYS, 0000  
 RAY A. MCBRIDE II, 0000  
 J. D. MCBRYDE, 0000  
 MOLLY MCCABE, 0000  
 DAVID W. MCCALL, 0000  
 CHRISTOPHER M. MCCALLUM, 0000  
 ANTOINETTE M. MCCANN, 0000  
 RICHARD T. MCCARTY, 0000  
 WILLIAM R. MCCOMBS, 0000  
 LOUIS M. MCCRAY, 0000  
 KARRICK S. MCDERMOTT, 0000  
 TIMOTHY S. MCDONALD, 0000  
 JAMES R. MCIVER, 0000  
 DANIEL C. MCKAUGHAN, 0000  
 JUDSON E. MCLEVEY, 0000  
 DAVID P. MCMILLAN, 0000  
 DANIEL S. MCSSEVENEY, 0000  
 BRYANT A. MEDEIROS, 0000  
 CARLOS A. MEDINA, 0000  
 ERIC T. MEIER, 0000  
 JEFFREY A. MELODY, 0000  
 THOMAS S. MENTZER, 0000  
 PEDRO R. MERCADO, JR., 0000  
 SAMUEL J. MESSER, 0000  
 MICHAEL P. MEYDENBAUER, 0000  
 MARK C. MHLEY, 0000  
 ANDREW K. MICKLEY, 0000  
 MARK A. MIDDLETON, 0000  
 JAY A. MIHAL, 0000  
 RICHARD S. MILLIOT, 0000  
 JENNIFER R. MILLS, 0000  
 MARC MILOT, 0000  
 CHAD J. MIRT, 0000  
 JEFFREY L. MISHAK, 0000  
 KELLY R. MITCHELL, 0000  
 KIMBERLY M. MITCHELL, 0000  
 JOHN C. MOE, 0000  
 STEPHEN E. MONGOLD, 0000  
 CARLOS A. MONREAL II, 0000  
 DYLAN MONTES, 0000  
 MICHAEL D. MOORE, 0000  
 REINALDO J. MORILLO, 0000  
 GREGORY L. MORRIS, 0000  
 FREDRIC A. MORRISON, 0000  
 JASON S. MORTON, 0000  
 JERRY E. MORTUSI, 0000  
 MICHAEL C. MOSBRUGER, 0000  
 ZACHARY V. MOSEDALE, 0000  
 SAMUEL R. MOSER, 0000  
 DANIEL R. MOSYCHUK, 0000  
 ANDREW N. MOULIS, 0000  
 CHRISTOPHER G. MOURSUND, 0000  
 TIMOTHY D. MULLER, 0000  
 JASON Q. MUNOS, 0000  
 BRENDAN G. MURPHY, 0000  
 JONATHAN R. MURPHY, 0000  
 WILLIAM G. MUSSEY, 0000  
 THOMAS E. MYERS, 0000  
 CHRISTOPHER J. NARDUCCI, 0000  
 MICHAEL D. NASH, 0000  
 TERRENCE M. NAWARA, 0000  
 ERIK J. NEAL, 0000  
 JEFFREY A. NESHEIM, 0000  
 TODD R. NETHERCOTT, 0000  
 MARK C. NEWKIRK, 0000  
 MARK S. NIESWIADOMY, 0000  
 JAMES M. NORRIS, 0000  
 NATHAN E. NORTON, 0000  
 BRIAN J. NOWAK, 0000  
 THEODORE J. NUNAMAKER, 0000  
 JASON B. NUNEZ, 0000  
 ROBERT C. OBERLANDER, 0000  
 DAVID D. OBRLEN, 0000  
 JENNIFER N. OBRLEN, 0000  
 ANTONIO OCHOA, JR., 0000  
 CHRISTINE R. OCONNELL, 0000  
 FRANK E. OKATA, 0000  
 STEPHEN R. OKRESIK, 0000  
 BRIAN P. OLAVIN, 0000  
 BRIAN S. ONEILL, 0000  
 JOSEPH S. OPPL, 0000  
 KEVIN J. OPPL, 0000  
 STEVEN E. OSELAND, 0000  
 JOSHUA OSMANSKI, 0000  
 KANAN C. OTT, 0000  
 MICHAEL R. OVERFIELD, 0000  
 RAYMOND P. OWENS III, 0000  
 JAMES C. PABELICO, 0000  
 JOSEPH A. PACCANICCIA, 0000  
 PAUL R. PAMPURO, 0000  
 CHARLES G. PAQUIN, 0000  
 RICHARD D. PARISER, 0000  
 BARRY R. PARKER, 0000  
 JACK S. PARKER, 0000  
 MATTHEW L. PARSONS, 0000  
 SCOTT A. PASIETA, 0000  
 RICHARD A. PATE, 0000  
 CRAIG C. PEARSON, 0000  
 DAVID J. PEARSON, 0000  
 BRYAN S. PEEPLES, 0000  
 DENNIS S. PENLAND, 0000  
 WILLIAM C. PENNINGTON, 0000  
 ANDREW PEREZ, 0000  
 ROBERT T. PETERSON, 0000  
 GREGORY T. PETROVIC, 0000  
 JOSEPH J. PEZZATO, 0000  
 TAM N. PHAM, 0000  
 BARTON L. PHILLIPS, 0000  
 KEVIN PICKARD, JR., 0000  
 STANLEY R. PIECHOTA, JR., 0000  
 ADAM S. PIEPKORN, 0000  
 STEPHEN J. PLATT, 0000  
 PAUL A. PLOWCHA II, 0000  
 DAVID TAVIS M. POLLARD, 0000  
 JESSIE A. PORTER, 0000  
 ROBERT R. PORTER II, 0000  
 MATTHEW T. POTTENBURGH, 0000  
 RALPH F. POTTER, 0000  
 GLENN D. POWELL, 0000  
 CASEY J. POWERS, 0000

JASON W. PRATT, 0000  
 BRYAN S. PRICHER, 0000  
 DAVID E. PROCTOR, 0000  
 ANDRE R. PYATT, 0000  
 DIANE J. QUATTRONE, 0000  
 JOHN M. QUILLINAN, 0000  
 MARK A. QUINN, 0000  
 KEITH RADONIS, 0000  
 STEPHEN A. RAMIREZ, 0000  
 WILLIAM M. RANNEY, 0000  
 MATTHEW H. RANZ, 0000  
 ERIC W. RASCH, 0000  
 CLIFFORD C. RAUSCHENBERG, 0000  
 BRIAN P. REARDON, 0000  
 JOHN D. REARDON, 0000  
 MICHAEL A. REED, 0000  
 DOUGLAS M. REINBOLD, 0000  
 BRIAN E. REINHART, 0000  
 CHAD REITHEIMER, 0000  
 ROBERT H. REITZ, 0000  
 JOSHUA C. RENAGER, 0000  
 ROBERT T. REYES, 0000  
 TED C. RICCIARDELLA, 0000  
 RONALD P. RICH, 0000  
 DAVID L. RICHARDSON, JR., 0000  
 WILLIAM C. RICHARDSON, 0000  
 PETER J. RIEBE, 0000  
 JEREMY Y. RIFAS, 0000  
 BRIAN A. RILEY, 0000  
 BRIAN D. RIVERA, 0000  
 JAMES F. ROACH IV, 0000  
 KEVIN K. ROACH, 0000  
 CHRISTOPHER A. ROBERTO, 0000  
 BRYAN C. ROBERTS, 0000  
 CLAYTON A. ROBINSON, 0000  
 JAMES T. ROBINSON, 0000  
 SEAN P. ROCHELEAU, 0000  
 MIKAEL A. ROCKSTAD, 0000  
 PETER G. RODGERS, 0000  
 GABRIELA RODRIGUEZ, 0000  
 STEPHEN W. ROELANDS, 0000  
 LOREN P. ROMEUS, 0000  
 RONALD B. ROSS, 0000  
 MICHAEL A. ROVENOLT, 0000  
 JAMES H. ROWBOTTOM, 0000  
 AUBREY K. RUNYAN, 0000  
 JOSEPH C. RUZICKA, 0000  
 ROBERT A. SALVIA, 0000  
 JOSEPH M. SANCHEZ, 0000  
 CHARLES R. SARGEANT, 0000  
 CHRISTOPHER J. SARTON, 0000  
 GREGORY P. SAWTELL, 0000  
 ZOAH SCHENEMAN, 0000  
 JOHN A. SCHIAFFINO, 0000  
 TORSTEN SCHMIDT, 0000  
 JONATHAN L. SCHMITZ, 0000  
 PETER M. SCHNAPPAUF II, 0000  
 HARRISON C. SCHRAMM, 0000  
 BRIAN T. SCHRUM, 0000  
 STACY L. SCHWARTZ, 0000  
 MATTHEW R. SCORNAVACCHI, 0000  
 STEPHEN H. SCOTT, 0000  
 DEREK R. SCRAPHANSKY, 0000  
 JEFFREY E. SEIGLER, 0000  
 WILLIAM D. SELK, 0000  
 ARVO SEPP, 0000  
 CHRISTOPHER C. SEROW, 0000  
 RICHARD E. SESSOMS, JR., 0000  
 LINDA C. SEYMOUR, 0000  
 ERIC A. SHAFER, 0000  
 TYLER SHERWIN, 0000  
 BRIAN W. SHIMKAVEG, 0000  
 JOSEPH T. SHULER, 0000

ADRIAN SIEBENHAAR, 0000  
 CALEB M. SIEMON, 0000  
 CHRISTOPHER S. SIMMONS, 0000  
 PETER M. SIWEK, 0000  
 SCOTT M. SMALL, 0000  
 BRYAN L. SMITH, 0000  
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 KEVIN L. SNODE, 0000  
 MICHAEL D. SNOWDEN, 0000  
 MARK D. SOHANEY, 0000  
 PASIT SOMBOONPAKRON, 0000  
 ROBERT W. SPEIGHT, 0000  
 ROLF B. SPELKER, 0000  
 PHILIP D. SPILLER, JR., 0000  
 JASON C. STAPLETON, 0000  
 JOHN B. STAPLETON, 0000  
 MATTHEW J. STEENO, 0000  
 MICHAEL STEPHENS, 0000  
 Q. R. STERLING, 0000  
 SCOTT E. STERLING, 0000  
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 JOEL G. STEWART, 0000  
 STANLEY K. STEWART, JR., 0000  
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 RICHARD E. STOERMANN, 0000  
 BENJAMIN W. STONE, 0000  
 DANIEL C. STONE, 0000  
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 ANDREW J. STRICKLER, 0000  
 MARK S. STROTHER, 0000  
 KYLE G. STRUTTHOFF, 0000  
 MICHAEL S. STUCKY, 0000  
 COLLIN C. SULLIVAN, 0000  
 NAGEL B. SULLIVAN, 0000  
 SHANE SULLIVAN, 0000  
 JEFFREY W. SUMMERS, 0000  
 JEFFREY J. SURRAN, 0000  
 CHRISTOPHER M. SUTTER, 0000  
 TORY J. SWANSON, 0000  
 MARK M. SWEENEY, 0000  
 BRIAN C. TADDIKEN, 0000  
 KENNETH S. TALLARICO, 0000  
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 BRIAN J. TANAKA, 0000  
 JON P. TANGREDI, 0000  
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 SAMUEL J. TANNER, 0000  
 MATTHEW E. TARABOUR, 0000  
 PAUL M. TATE, 0000  
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 DAVID F. TAYLOR, 0000  
 ROBERT W. TAYLOR, 0000  
 DONALD I. TENNEY, 0000  
 RYAN T. TEWELL, 0000  
 THOMAS R. THOMA, JR., 0000  
 JOSEPH M. THOMAS, 0000  
 MICHAEL E. THOMAS, 0000  
 RODNEY A. THOMAS, 0000  
 STEVEN W. THOMAS, 0000  
 COREY E. THOMPSON, 0000  
 JOHN A. THOMPSON, 0000  
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 ANDREW J. THOMSON, 0000

RICHARD M. TOMS, 0000  
 BRIAN K. TONER, 0000  
 JOSEPH F. TORIAN, JR., 0000  
 KENT W. TRANTER, 0000  
 JENNIFER K. TREADWELL, 0000  
 BRYANT P. TROST, 0000  
 JOHN E. TURNER, 0000  
 JOHN D. TUTWILER, 0000  
 THOMAS A. ULMER, 0000  
 STEPHEN A. URES, 0000  
 RICKY M. URSEY, 0000  
 PHILIP G. URSO, 0000  
 JAMIE L. VALDIVIA, 0000  
 ALEXANDER VALENTIN, 0000  
 TOBY S. VALKO, 0000  
 JOHN F. VANJAARSVELD, 0000  
 MARGARET C. VASAK, 0000  
 BENTON K. VAUGHN III, 0000  
 MATTHEW J. VILLARREAL, 0000  
 JOHN W. VINYARD III, 0000  
 DONALD R. VOELBEL, 0000  
 DENNIS J. VOLPE, 0000  
 JOHN T. VOLPE, 0000  
 JONATHAN G. VOORHEIS, 0000  
 TODD R. VORENKAMP, 0000  
 DALE R. WAGGONER, 0000  
 DANIEL C. WALTON, 0000  
 DAVID M. WALLACE, 0000  
 ANTHONY W. WALLEY, 0000  
 TERRY R. WAMSLEY, 0000  
 WILLIAM K. WARREN, 0000  
 KEVIN J. WATKINS, 0000  
 LANDRY S. WATSON, 0000  
 MICHAEL L. WEATHERFORD, 0000  
 JASON D. WEDDLE, 0000  
 CHRISTOPHER K. WELLS, 0000  
 SHANNON J. WELLS, 0000  
 STEVEN P. WERNER, 0000  
 WILLIAM W. WERTZ, 0000  
 STEVEN C. WHEAR, 0000  
 RICHARD C. WHEELER III, 0000  
 CHADWICK J. WHITE, 0000  
 SAMUEL S. WHITE, 0000  
 RICHARD W. WHITFIELD, 0000  
 TIMOTHY B. WILKE, 0000  
 DARREN B. WILKINS, 0000  
 DEMETRIUS WILKINS, 0000  
 CHRISTOPHER M. WILLIAMS, 0000  
 JEFFREY S. WILLIAMS, 0000  
 KEVIN P. WILLIAMS, 0000  
 MARC K. WILLIAMS, 0000  
 MARIO N. WILSON, 0000  
 SHAWN C. WILSON, 0000  
 ALAN R. WING, 0000  
 HUGH E. WINKEL, 0000  
 THOMAS R. WINKLER, 0000  
 JEFEREY A. WINSLOW, 0000  
 ERNEST M. WINSTON, 0000  
 PATRICIA A. WITHERSPOON, 0000  
 MICHAEL R. WOHNHAAS, 0000  
 IAN S. WOLFE, 0000  
 JASON L. WOOD, 0000  
 PETER P. WOOD, 0000  
 MICHAEL D. WOODS, 0000  
 CHRISTIAN B. WUNSCH, 0000  
 COLLIN A. WYNTER, 0000  
 SCOTT A. YACH, 0000  
 CHRISTOPHER M. YOUNG, 0000  
 STEVEN M. YOUNG, 0000  
 PHILIP D. ZARUM, 0000  
 THOMAS A. ZDUNCZYK, 0000

## EXTENSIONS OF REMARKS

### A PROCLAMATION RECOGNIZING SELENA STEALEY

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Selena Stealey is a dedicated young woman worthy of merit and recognition; and

Whereas, Selena Stealey has been acknowledged by the United States Government for her caring efforts toward Hurricane Katrina victims and their pets; and

Whereas, Selena Stealey should be commended for her excellence in collecting and raising pet supplies.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Selena Stealey for her outstanding accomplishment.

### IN HONOR OF THE 100TH ANNI- VERSARY OF THE GREEN BAY EAST—GREEN BAY WEST HIGH SCHOOL FOOTBALL GAME

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to recognize Green Bay East and West High Schools as they prepare to celebrate their 100-year-old football rivalry this weekend.

The seed for this historic gridiron contest was planted a century ago, on November 30, 1905. Football fans from across the region came out in droves to support their teams, and their enthusiasm quickly spilled out into the surrounding communities. Now, one hundred years later, it is one of the most intense and emotional high school sporting events in the state of Wisconsin and the nation.

For many years the football game between East and West High School was the largest public event in the city, with only Green Bay Packer games drawing a larger crowd. The celebration in Green Bay this weekend is one of community and pride, where friends and family can come together to reflect on the traditions of school spirit, kinship and community.

Mr. Speaker, it's my pleasure to recognize this historic football game and pay tribute to the one hundred years of tradition surrounding it. On behalf of the residents of Wisconsin's 8th Congressional District, I say congratulations and best of luck to both teams this weekend!

### CONGRATULATIONS TO MR. GEORGE MARTI

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. EDWARDS. Mr. Speaker, George Wesley Marti was born in Oak Grove, Texas in southern Tarrant County, the son of John and Lula Bell Marti. Driven by the great influence of his grandmother and fascination with radio, George Marti had a vision and developed a business plan at the young age of thirteen that involved establishing a radio station in the city of Cleburne, Texas.

In 1937, three years after the original formulation of his business plan for a Cleburne radio station, George Marti earned his Radio Telephone 1st Class Operator's License and Amateur Radio License, at the age of sixteen. Entering the United States Marine Corps in 1942, George Marti later enrolled in the Radio Material School of the Naval Research Laboratory in Washington, DC. George Marti graduated from this training, in 1943, the first in his class, and proceeded to serve on the maiden voyage of the USS *Freland*, later taking command of the communications for Marine Air Group 13 in American Samoa.

After being discharged in 1945, George Marti realized his vision of opening a radio station in Cleburne, Texas, with the on air debut of KCLE in April of 1947. Marti Electronics began to manufacture full time the Marti Remote Pickup System of his own invention that allowed reporters to broadcast remotely for the first time without the installation of telephone wires. By 1994, "The Marti," was operating in more than 80 percent of the world's radio stations.

George Marti established the Marti Foundation in 1988 in order to provide college scholarships to students of Johnson County that could otherwise not afford to go to college. The Marti Foundation has provided 551 scholarships in its 17 year history, and is currently supporting over 100 students at this very moment. Marti Foundation scholarships enjoy a 95 percent graduation rate.

In addition to his many accomplishments as Mayor of the City of Cleburne, Texas from 1974 to 1986, George Marti has been named the National Association of Broadcasters' 1991 Engineer of the Year, in 2002 the first inductee to the International Charolais Association Hall of Fame, in 2002 the first inductee to the Texas Association of Broadcasters' Hall of Fame.

George Marti continues a long history of service and devotion to his home of Johnson County, and is a most valued and regarded citizen of Cleburne, Texas.

I am proud to call George Marti my friend.

### MARKING THE 100 YEAR CELEBRA- TION OF THE CITY OF AMMON, IDAHO

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SIMPSON. Mr. Speaker, I rise today to join with the community of Ammon, Idaho, in celebrating the city's 100th anniversary. This important milestone has been reached through the hard work and tenacity of the early settlers as well as the vision and spirit of today's citizens.

The City of Ammon is located to the east of the City of Idaho Falls in Bonneville County. It is one of east Idaho's fastest growing communities. Early settlers would hardly recognize the flourishing business district and the numerous residential developments. The population of Ammon now exceeds 10,000, with a median age of only 28 years for its residents. Many young families are enjoying the ambience of a small town as well as the convenience of living within a few miles of a large metropolitan center. Their enthusiasm and willingness to volunteer time and energy are helping the community to grow and prosper. A multitude of new businesses are joining the older more established ones of Ammon's early years to develop a vibrant, thriving economy.

Mr. Speaker, I would like to congratulate all those who have been involved in the "100 year celebration of the City of Ammon". I know many of the citizens of Ammon and have enjoyed their friendship over the years. I have worked with Mayor Ard on projects to better the City of Ammon, and I wish him and all the members of the community well as they begin an exciting second hundred years.

### A PROCLAMATION RECOGNIZING ALLEN R. STANFORD

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Allen R. Stanford has been recognized as the 2006 Recipient of the "Excellence in Leadership Award" by the Inter-American Economic Council; and

Whereas, Allen R. Stanford has been acknowledged for his performance and leadership in the areas of finance and investments; and

Whereas, Allen R. Stanford should be commended for his service as the CEO of the Stanford Financial Group based in Houston, Texas.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Allen R. Stanford for his outstanding accomplishments.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE LIFE OF DR.  
VANG POBZEB

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to commemorate the life of Dr. Yang Pobzeb, an extraordinary man who recently passed away on August 23, 2005 after a life of passionate service to human rights and Hmong people across the globe.

Dr. Pobzeb began his activism in the mid-1970s and was among the first to achieve national recognition in the Hmong American Community. In 1987 he founded the Lao Human Rights Council—an organization devoted to improving the living conditions of Hmong people both in Laos and the U.S. Dr. Pobzeb was a tireless advocate for a people and culture that faced tremendous persecution, and he took every opportunity to remind the international community of the plight of the Hmong people in Laos. I was proud to work together with him, time and time again, in this fight.

Mr. Speaker, it is my distinct honor to commemorate the life of such an incredible man. Dr. Pobzeb was truly an exemplar of compassion and dedication, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I offer my condolences to his family, and pay tribute to his life of activism and sacrifice.

CONGRATULATIONS AND BEST  
WISHES TO FATHER LAWRENCE  
SOLER

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. EDWARDS. Mr. Speaker, I rise today to recognize a champion of the Waco, Texas community, Reverend Lawrence Soler. I would like to extend my most sincere thanks and congratulations to Father Soler for his principled service and dedication to the needs of his parishioners. We are celebrating Rev. Soler's 50th year in the priesthood.

Rev. Lawrence Soler has served as Pastor of Sacred Heart Church for over 27 years. He also served as Pastor of St. Francis Church for several years. During his tenure at Sacred Heart Church, Rev. Lawrence Soler directed the fundraising and construction of a new \$1.2 million dollar sanctuary to accommodate the ever-increasing Catholic community of south Waco. In the last 2 years, he directed the fundraising and construction of a new Parish Activity Center also.

During his service at Sacred Church, he has conducted thousands of marriages, baptisms, confirmations, and communions. The work of Reverend Soler is a model of selfless service and sacrifice. His generous spirit and tireless efforts on behalf of the community have undoubtedly touched countless lives.

It is my privilege to honor the contributions of Reverend Lawrence Soler and I personally want to thank him for the shining example has given to us all and wish him well in his future endeavors.

Thank you my friend.

A TRIBUTE TO ROSEMARY  
CHILDREN'S SERVICES

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Rosemary Children's Services of Pasadena, CA, upon its 80th anniversary.

In 1920, Mrs. Emma Spear and the women of the Pasadena Shakespeare Club established a shelter program for abused, neglected or abandoned teenage girls in Pasadena, because the only alternative at that time was juvenile hall. Rosemary Cottage opened in April of 1920 and could house 10 girls and a housemother. Their name came from William Shakespeare's "Hamlet" "There's Rosemary, that's for remembrance; pray you, love, remember."

In 1928, a new "Cottage" was built and made available to 19 teenage girls. In the 1940s, Rosemary Cottage introduced treatment services, improved their property and hired social workers to meet the United Way standards. Rosemary's group home program was launched in 1967 by the generous donation of a home from Robert Romberger. The group homes program was the first step in teaching independent living skills to teenage girls in placement situations. Since then, three other group homes have been acquired and can house up to 43 at-risk girls.

Rosemary Children's Services help hundreds of children of all ages. Along with their excellent residential program, they provide foster care to nearly 400 girls and boys in Southern California, many of whom have been the victims of neglect, sexual, or physical abuse. They sponsor a school that provides specialized education in a small structured environment and their mental health program includes out-patient services for teenage girls, individual and group therapy, exercise programs, artistic activities and training in various life skills.

I am greatly honored to recognize Rosemary Children's Services for its 80 years of loving care and support to countless children in our community, and I ask all Members to join me in congratulating Rosemary Children's Services for their remarkable achievements.

A PROCLAMATION RECOGNIZING  
MARION GATEWOOD

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Marion Gatewood has been recognized for being inducted into the Muskingum County Farm Bureau Hall of Fame; and

Whereas, Marion Gatewood has been acknowledged for his dedication and commitment to farming by the members of the Muskingum County Farm Bureau; and

Whereas, Marion Gatewood should be commended for his outstanding dedication to Muskingum County and for his exceptional knowledge and contributions to their farming community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in hon-

oring and congratulating Marion Gatewood for being inducted into the Muskingum County Farm Bureau Hall of Fame.

COMMENDING THE GENEROSITY  
OF GALENA PARK,  
CHANNELVIEW, AND SHELDON  
ISD

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend the generosity three school districts in our Congressional District have shown to our neighbors in Mississippi.

Galena Park ISD, Channelview ISD, and Sheldon ISD have united and adopted Pascagoula public schools in Mississippi. Twenty-three Galena Park Schools, eleven Channelview Schools and seven Sheldon ISD schools are collecting donations to provide school supplies clothing and other necessities to students in Pascagoula.

Pascagoula serves almost 9,000 students at 16 campuses. Reports indicate that two schools were completely destroyed by Hurricane Katrina. The rest of the Pascagoula campuses sustained severe roof and window damage.

In addition to sending badly needed resources to Pascagoula, Galena Park, Channelview and Sheldon ISD have also enrolled hundreds of students from Louisiana and Mississippi.

I'd like to thank the leadership and staff at these three school districts for opening their doors to the children who have been affected by Katrina. I wish the best to our neighbors in Mississippi, Louisiana and Alabama as they rebuild their lives.

TRIBUTE TO MS. REEVES DIXON

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SERRANO. Mr. Speaker, it is with deep sympathy that I rise today to give a final goodbye to a wonderful woman who dedicated her life to helping others live well. Ms. Reeves Dixon passed away on September 2, 2005. She was a fine woman and will be sorely missed by all who knew her.

This daughter of the Bronx life's resume is long and impressive but I want to take a moment to highlight the important contributions she made to the people of my community.

Since 1980 Reeves worked with the 163rd Street Improvement Council, serving first as the Assistant Executive Director and later as its President and CEO. As CEO of the 163rd Street Improvement Council Reeves pushed the organization to plan, design, develop and implement affordable housing and support services that focused on meeting the housing and human services needs of the residents of the Southeast Bronx.

Most of the Council's clients have incomes below the median level. In an effort to help empower these low income families the council offers an integrated program which provides quality and affordable housing through

direct assistance that includes support services, education, advocacy, placement and referral. The Council helps to increase self-esteem and self determination and decrease dependency on government subsidies. Under her strong leadership the Council moved from a budget of \$400,000 to a multi-million dollar organization. Its growth not only demonstrated the great need for such an organization in the Bronx but also the strong leadership and vision of Reeves.

This past week the world watched in disbelief as Hurricane Katrina destroyed a major American city. While this storm will go down in history as the worst natural disaster to strike this Nation, it had much more significance. Katrina forced Americans to remove the wool that many had placed over their eyes to face the grim reality that there are millions of people in this country who live in utter poverty. Perhaps now Americans will realize the great responsibility they have to uplift those who are most vulnerable in our society. The life of Reeves Dixon is a shining example of how every American should lead his/her life—working to uplift her/his fellow man. Reeves understood that her community, much like the Nation as a whole, could not survive if its most vulnerable citizens were not protected. As a result she spent her life empowering others.

Although Reeves has passed on, the many good works that she did will continue to benefit the lives of others for generations to come. Surely that is the mark of great life. For her unyielding spirit and kind heart I ask my colleagues to join me in saying goodbye to a dear friend and role model to us all—Ms. Reeves Dixon.

A SALUTE TO DR. BILLY TAYLOR

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert that occurs during the Congressional Black Caucus Foundation's Annual Legislative Conference, I rise to salute the lifetime achievements of one of the most distinguished artists in American music history, Dr. Billy Taylor. The following biography, found on the Kennedy Center's web site, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

"Billy Taylor arrived in New York City on a Friday evening in 1942. He headed for Minton's Playhouse in Harlem, where he was heard by one of his idols, tenor saxophonist, Ben Webster. The following Sunday Taylor began his professional career, playing with Webster's quartet at the Three Deuces alongside Webster, Big Sid Catlett and Charlie Drayton. During this time, Billy was Art Tatum's protegee and Jo Jones was his 'appointed guardian.'"

Taylor worked with Machito's Afro-Cuban band, replaced Erroll Garner in the Slam Stewart Trio, and became a member of the Don Redman Orchestra, the first American jazz band to tour Europe after World War II (1946). He also played on Broadway in Billy Rose's "The Seven Lively Arts," opened for Billie Holiday in "Holiday on Broadway," and

played in the pit band for "Blue Holiday," starring Ethel Waters, Mary Lou Williams and the Katherine Dunham dancers.

He played a lot of solo gigs along the northeast corridor—the Earle Theater in Philadelphia, The Royal Theater in Baltimore, the Howard Theater in DC and the Apollo in NYC. In 1949 he got a call to sub for Al Haig with Charlie Parker and Strings at Birdland. This was the beginning of his two-year stint as house pianist at that legendary jazz club. He played with everybody—Charlie Parker, Dizzy Gillespie, Miles Davis, Oscar Pettiford, Art Blakey, Milt Jackson, Zoot Sims, Roy Haynes, and Kenny Dorham among others. Often playing opposite such bands as Duke Ellington, Count Basie, Stan Kenton and Lennie Tristano, his tenure at Birdland was one of Taylor's greatest learning experiences.

Billy made some recordings with his own group during the early 1950's for such labels as Prestige, Riverside, ABC Paramount, Impulse!, Sesac, Mercury and Capital Records. He also recorded albums with Quincy Jones, Sy Oliver, Mundell Lowe, Neal Hefti, Eddie 'Lockjaw' Davis, Sonny Stitt, Lucky Thompson, Coleman Hawkins and Dinah Washington. He even started his own music publishing company, Duane Music, Inc.

Also about this time Taylor started writing about jazz and giving lectures/clinics to music teachers interested in teaching jazz. He began to witness first-hand, the serious lack of funding for the arts and humanities and began to focus on radio and television in order to gain better exposure for America's classical music. He helped to facilitate many local and national broadcasts featuring jazz artists in live performances. Some in broadcast studios, others in nightclubs, dance halls, and hotels. In 1958 he was named Musical Director of the first series ever produced about jazz, "The Subject Is Jazz" (NET). His house band for these 13 programs included Doc Severinsen, Tony Scott, Jimmy Cleveland, Mundell Lowe, Earl May, Eddie Safranski, Ed Thigpen and Osie Johnson. Guests included none other than Willie "The Lion" Smith, Duke Ellington, Langston Hughes, Jimmy Rushing, Bill Evans and Aaron Copeland among others.

During the 1960's Taylor was working regularly with his trio and hosting his own daily radio show on New York's WLIB. He was making guest shots on various TV shows and recording for Capital Records, when the Beatles began to nip at the heels of Taylor and other highly successful members of the Capital family like Frank Sinatra, Nat King Cole, and Peggy Lee. Rather than continue to be neglected, Taylor opted to forget about recordings for the time being and concentrate on radio and television. His success on WLIB led to a post at the popular WNEW, playing jazz for their affluent middle-of-the-road audience. He continued to perform as well during this period, usually with his trio and sometimes with larger ensembles.

In the early 1970's, Taylor was named Musical Director for the popular daily television show, The David Frost Show. Many feel he had the best jazz band on TV at that time. They played an hour jazz concert every night for the studio audience, and at least twice a week, Frost booked guests like Louis Armstrong, Count Basie, or Buddy Rich to play and be interviewed. Two recordings were made with Taylor's band on the Frost show before the show came to an end three and a

half years later. Billy Taylor returned to WLIB, this time as program director of the station and began to build the largest jazz audience in New York City. Simultaneously he had his own local television program on New York's Channel 47. It was about this time that Taylor was offered an opportunity to enroll in the doctoral program at the University of Massachusetts at Amherst. He had been an adjunct professor at C. W. Post College in New York and a visiting professor at Howard University, and felt the need to organize his teaching materials so that they might be more effectively used by others. After a few years of intense study, he earned his combined Masters and Doctorate in Music Education (1975). But he sorely missed playing and writing music. He had been appointed to the National Council for the Arts by President Nixon in 1970, and although this was a tremendous honor, the amount of time required to be an effective arts advocate took precious time away from practicing his music. Nonetheless, he tackled the task at hand, alongside his distinguished colleagues, Maurice Abravanel, Eudora Welty, Beverly Sills, and Nancy Hanks, who were doing so much to help make the arts available to everyone. It was a highly productive and rewarding period for Taylor, but not especially creative, musically.

Sometimes things work themselves out in mysterious ways. Maurice Abravanel commissioned Taylor to write "Suite For Jazz Piano and Orchestra"; T. J. Anderson commissioned him to write "Make A Joyful Noise"; the University of New Hampshire commissioned him to write a dance suite, "For Rachel"; the Kentucky Symphony asked him to write "Impromptu." And so, Taylor began to write jazz for ensembles that were larger than his trio. He composed the musical score and lyrics for an off-Broadway production of Wole Soyinka's "The Lion and The Jewel," and some dance music for the original production of "Your Arms Are Too Short To Box With God." (To date, Billy Taylor has over 350 songs to his credit, including the popular, "I Wish I Knew How It Would Feel To Be Free," which has been recorded by various artists and served as an anthem for the civil rights movement. His latest work, "Urban Griot," is detailed under the Soundpost section of this website.)

All the while, Billy Taylor continued his work in broadcasting, as Musical Director for Tony Brown's Black Journal Tonight (PBS); and from 1977–1982, as host of NPR's most listened to jazz program of its time, "Jazz Alive." By the end of the 1970's he was touring with his trio more than ever, but playing fewer and fewer jazz clubs, which had become crowded, overpriced and excluded young people. Realizing the need to bring his music to a broader audience, Taylor began to focus more on performing in larger venues such as concert halls and performing arts centers, which were a welcome change.

In the early 1980's, Taylor was tapped by Charles Kuralt to become arts correspondent for the popular television program, "CBS Sunday Morning." Still at that post today, he has profiled over 250 well-known and not-so-well-known members of the jazz community. (He received an Emmy Award for his profile on Quincy Jones.) It was during this time that Billy also decided to start his own record company (Taylor Made), but after producing five albums, he realized that it was the music he wanted to be involved in, not the business. He

continued his work as a performer both on the bandstand and on television & radio as well. He hosted his own jazz piano show for Bravo, "Jazz Counterpoint," which featured such artists as George Shearing, Marian McPartland and Ramsey Lewis, along with two different NPR radio series, "Dizzy's Diamond." and "Taylor Made Piano," which traced the history of jazz using the piano to tell the story. Based upon Dr. Taylor's book, "Jazz Piano," "Taylor Made Piano" won a Peabody Award and generated more requests for tapes than any previous NPR program. As the 80's drew to a close, Billy Taylor signed with GRP/Impulse, making some of his most popular recordings, including the re-release of My Fair Lady Loves Jazz (arranged by Quincy Jones), It's A Matter of Pride, Dr. T (featuring Gerry Mulligan) and Homage (featuring the Turtle Island String Quartet) which received a Grammy nomination in 1996.

During the 90's Dr. Taylor was named Artistic Advisor for Jazz to the Kennedy Center for the Performing Arts in Washington, D.C. Since 1994, under the umbrella of Jazz at the Kennedy Center, Taylor has developed one acclaimed concert series after another including the Art Tatum Pianorama, the Louis Armstrong Legacy series, the annual Mary Lou Williams Women in Jazz Festival, Beyond Category, Betty Carter's Jazz Ahead and the Jazz Ambassadors Program. His nationally broadcast NPR series, "Billy Taylor's Jazz at the Kennedy Center" is recorded live and features a mix of performances, audience Q & A, and conversations with musical guests. (see the Education/Residencies section of this website). Billy pioneered this play a little, talk a little format in the early 80's, with his "Jazz Models & Mentors" series, presented four times a year at New York's Metropolitan Museum of Art. Taylor performs regularly with his current trio (Chip Jackson/bass & Winard Harper/drums) as well as with his long time friend, pianist Ramsey Lewis. When he's not touring, composing or recording, he can be found in classrooms throughout the country, conducting master classes, workshops and lecture/demonstrations. As he approaches his 80th birthday, Billy Taylor remains vigorously dedicated to nurturing jazz and creating new forums and opportunities for the artists who perform it. He encompasses that rare combination of creativity, intelligence, vision, commitment and leadership, all qualities that make him one of our most cherished national treasures."

In March 2005, Dr. Taylor retired from concert performance.

A PROCLAMATION RECOGNIZING  
ROB VERNON

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. NEY. Mr. Speaker:

Whereas Rob Vernon has been a dedicated president of the Muskingum County Farm Bureau worthy of merit and recognition; and

Whereas, Rob Vernon should be rewarded for his passion and commitment toward farming; and

Whereas, Rob Vernon should be commended for the excellence and devotion with which he served the county of Muskingum.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Rob Vernon for his outstanding accomplishments.

RELIGIOUS LEADERS SPEAK OUT  
ON BUDGET

**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. PRICE of Georgia. Mr. Speaker, our national budget and spending bills reflect our government's values and priorities, and in recent years those priorities have been skewed heavily in favor of helping the rich and eroding protections for the poor. Our country's religious leaders recognize that danger, and for the second time this year have issued statements calling on our government to truly care for the least among us and to abide by a budget and spending plan that reflects the higher values and morals of our country. I would like to submit for the RECORD a letter from the leaders of many of the major Protestant churches in our country and another by the National Council of Jewish women calling on Congress not to abandon the poor in the aftermath of Katrina. The budget reconciliation process should not be used to further reduce funding for education, food stamps, health care, and other critical domestic priorities while spending twice that amount in tax cuts for the wealthiest among us.

THE EPISCOPAL CHURCH, USA,  
EVANGELICAL LUTHERAN CHURCH  
IN AMERICAN, PRESBYTERIAN  
CHURCH (U.S.A.), UNITED CHURCH  
OF CHRIST, UNITED METHODIST  
CHURCH.

SEPTEMBER 13, 2005.

DEAR MEMBERS OF CONGRESS: As leaders of our respective denominations, we have long sought an end to the injustices inherent in poverty. We have never seen these injustices born out so vividly in our own country as in the aftermath of Hurricane Katrina. The devastation wrought by Katrina has exposed the anguished faces of the poor in the wealthiest nation on the planet. These faces, precious in the eyes of God, cause us to remember that racial disparities and poverty exist in almost every community in our nation. They also compel us to set before Congress once again our concerns for the FY '06 federal budget and its impact on people living in poverty. With renewed urgency, we call on Congress to stop the FY '06 federal budget reconciliation process immediately.

We believe our federal budget is a concrete expression of our shared moral values and priorities. Congress rightly and quickly responded in appropriating needed funds to ensure an adequate initial response to Hurricane Katrina. Our denominations have mobilized and are responding in prayer and financial support and direct service to those in need. Yet, just as disaster struck the Gulf Coast, the U.S. Census Bureau reported in very particular detail that poverty in the United States is growing. The annual report, Income, Poverty, and Health Insurance Coverage in the United States: 2004 showed that 37.0 million people lived in poverty in 2004, an increase of more than one million people since 2003.

In April, during consideration of the budget resolution we wrote to Congress that, "As we view the FY '06 Federal Budget through our lens of faith this budget, on balance, con-

tinues to ask our nation's working poor to pay the cost of a prosperity in which they may never share." It is clear that programs such as Medicaid and the Food Stamp Program that were slated for cuts by Congress will in fact have greater burdens placed on them as a result of Hurricane Katrina. These programs are not simply entitlements or "government hand-outs," they represent the deep and abiding commitment of a nation to care for the least among us.

Believe us when we tell you that even before Hurricane Katrina or the Census Bureau's report, neither we nor our friends of other faiths had the resources to turn back the rising tide of poverty in this country. The FY '06 reconciliation bill that is working its way through the authorizing committees will send more people searching for food in cupboards that, quite frequently, are bare.

We commit ourselves to working for economic policies infused with the spirit of the One who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him "to bring good news to the poor."

The Most Reverend FRANK  
T. GRISWOLD,

*Presiding Bishop and  
Primate of the Epis-  
copal Church, USA.*

The Right Reverend MARK  
HANSON,

*Presiding Bishop of  
the Evangelical Lu-  
theran Church in  
America.*

The Reverend Dr. CLIFTON  
KIRKPATRICK,

*Stated Clerk of the  
General Assembly,  
Presbyterian Church  
(U.S.A.).*

The Reverend JOHN H.  
THOMAS,

*General Minister and  
President, United  
Church of Christ.*

JAMES WINKLER,

*General Secretary,  
General Board of  
Church and Soci-  
ety, United Meth-  
odist Church.*

NATIONAL COUNCIL OF JEWISH WOMEN URGES  
NEW NATIONAL PRIORITIES IN KATRINA'S WAKE

NEW YORK, SEPT. 12, 2005.—In the aftermath of Hurricane Katrina, National Council of Jewish Women (NCJW) President Phyllis Snyder issued the following statement:

We have watched with alarm the tragedy that continues to unfold in New Orleans and the Gulf Coast as a result of Katrina. Our hearts go out to all of the people who have suffered from this disastrous hurricane—those who have lost loved ones, homes, livelihoods, and their communities.

We applaud the efforts of the individuals who have worked day and night to rescue and provide relief to those victimized by Katrina. So, too, we salute the countless volunteers, many of whom are from NCJW, working to assist evacuees who have relocated to their communities.

This is a tragedy compounded by the grave mistakes made by the very people and institutions charged with keeping us safe. We urge the establishment of an independent commission of inquiry with adequate budget authority and subpoena power to investigate this catastrophe. It is important that this effort rise above partisan politics in order to determine exactly what went wrong and to make recommendations for the future.

Recovering from Katrina will necessitate measures that go well beyond the immediate

cleanup and rebuilding tasks. This disaster has exposed the fault lines of race and poverty in our society that we all knew existed but which have been ignored, especially in recent years.

NCJW calls upon our leaders and lawmakers to realign their priorities, and we pledge to redouble our efforts to ensure that this happens. We must prioritize funding to address human needs over tax cuts that disproportionately benefit the wealthy and drain vital budgetary resources. We must act to address the vestiges of racism that linger in our society. And we must act to ensure that the communities that rise from the rubble embody a new vision of equality and social justice.

H.R. 3673, SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SULLIVAN. Mr. Speaker, I rise today to offer my sincerest condolences and sympathies to the victims of Hurricane Katrina. With the recent devastation of Louisiana, Mississippi, and Alabama, our Nation has reached a state of emergency. My thoughts and prayers are with those who have been tragically uprooted from their communities, or have lost loved ones in the path of the destruction. I wholeheartedly support the effort to provide food, water, and daily necessities to these victims, as well as the long-term effort to rebuild our Gulf Coast and house the now-homeless.

As we move forward with the effort to provide for families and to rebuild, it is Congress' job to ensure that federal aid and taxpayer dollars are spent appropriately and are reaching the truly needy. Last week, the Federal Emergency Management Agency was spending just over \$500 million a day, an unprecedented rate, and over the weekend spending reached \$2 billion a day. Over \$60 billion in emergency appropriations has been allocated, a record for disaster relief, and Congress is expected to authorize more funds in the coming weeks.

I strongly urge that future spending bills for Hurricane Katrina include controls on how the money will be spent; that this spending is offset with reductions in other programs, just as Congress did following the California earthquake and the Oklahoma City bombing; and that Federal resources are allocated for rebuilding only where State and local governments and the private sector cannot provide the funds.

Additionally, I encourage accountability and meticulous record keeping within the federal organizations funding the emergency and rebuilding efforts. I feel it is imperative that the Department of Homeland Security and other related agencies help these citizens and rebuild these towns, but in a financially responsible manner, ensuring every dollar is spent wisely and fairly in an effort to best help the victims of this tragedy. In this time of disaster, it is important that we do not saddle future generations with unmanageable debt, but rather work together to exercise fiscal responsibility.

RECOGNIZING OFFICER ROBERT FERRARA

**HON. SUE W. KELLY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mrs. KELLY. Mr. Speaker, I stand here today to honor a dedicated and heroic public servant from the Nineteenth Congressional District of New York. We nearly lost one of our finest citizens when Town of Chester Police Officer Robert Ferrara was critically injured while serving in the line of duty.

Officer Robert Ferrara, age 34, was seriously wounded on the night of July 20, 2005, when a drunk driver smashed head-on into his police vehicle. He suffered multiple fractures throughout his body including: a punctured lung, a ruptured spleen, a lacerated liver, a kidney abrasion, and a laceration to his head.

Officer Ferrara has dutifully served the Town of Chester since 1999 as a police officer. Previously, he spent 4 years working as a Deputy Sheriff with the Orange County Sheriffs Office. In addition to his public service, Officer Ferrara is the dedicated father of a 7-year-old girl.

Officer Ferrara's relentless determination and resolve to overcome tragedy has served as a guiding light. His willpower and inner strength have touched his family, his friends, and even those who never met him but have heard of his courage. His community has been inspired by Officer Ferrara. Over 200 people recently participated in a blood drive in his honor, with some waiting in line for hours.

Officer Ferrara deserves recognition for he symbolizes the likes of an exemplary officer and diligent public servant possessing an unwavering commitment to serving others and protecting the well-being of the community.

A PROCLAMATION IN MEMORY OF LOUIS MENDELSON

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Louis Mendelson; and

Whereas, Louis Mendelson will certainly be remembered by all those who knew him because of his upright character; and

Whereas, Louis Mendelson was born and raised in Bellaire, Ohio and owned the former Berman's Mens Store in Bellaire; and

Whereas, Louis Mendelson was active in many endeavors in his community as a member of the Temple Shalom Synagogue in Wheeling, West Virginia, a member of the Bellaire Area Chamber of Commerce, and Bellaire Kiwanis Club; and

Whereas, Louis Mendelson will be remembered and honored for his public service as a U.S. Army Veteran of World War II.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Louis Mendelson.

CONTRIBUTIONS OF NORTH TEXANS TO HURRICANE KATRINA RELIEF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and commend the compassionate contributions of North Texans towards the hurricane relief efforts. During the past two weeks, televisions across the nation have brought into our living rooms images of the terrible destruction and suffering caused by Hurricane Katrina. Obviously our hearts ache at seeing our fellow Americans in desperate need, struggling at first just to survive, and now beginning to put their lives back together, one piece at a time. This desperation and despair, however, has not gone unanswered. Americans have come together in the past weeks, giving new meaning to the word "community," and the North Texas community has been a leader in this endeavor.

The City of Dallas and the surrounding areas have served as models of compassion, generosity, and leadership as North Texas has welcomed thousands who have been so tragically displaced by the hurricane into our neighborhoods and communities. So many sectors have given so selflessly of their time and resources to those in desperate need: city and county administrations, transit agencies, faith-based institutions, educational institutions, private and non-profit sector entities, and regular citizens have answered humanity's greatest call.

The American Red Cross in North Texas has come to the aid of thousands of evacuees here in Dallas, providing much needed meals and beds. Volunteers at the Call Center of the Dallas Emergency Operations Center have fielded thousands of calls, helping to organize this massive relief effort. Transportation has been generously provided by Dallas Area Rapid Transit, who have distributed over 3500 transit passes to evacuees, and the Dallas Water Utilities Distribution Division has assisted by providing pallets and personnel at the Dallas Convention Center.

The area's first responders have acted with bravery and selflessness. The Dallas Police Department has committed over 300 officers to support evacuee operations. The Texas State Guard has provided invaluable medical and shelter management services, deploying over 250 guardsmen to the Convention Center and Reunion Arena shelters alone. Fire Rescue and EMS personnel have lent their expertise to the relief effort at shelters throughout Dallas, and nearly two thousand patients have been served.

The Surgeon General of the United States, Richard Carmona, has described medical operations in Dallas as "nothing short of astounding," and Mr. Justo Hernandez, the coordinating officer on site with the Federal Emergency Management Agency, has reported that, in his 17 years of service with the agency, FEMA has never been as well received as it has in Dallas. Louisiana State Representative Derrick Shepherd described the effort as a "first-class administration of a difficult administration" and New Orleans Mayor Ray Nagin stated, "People are doing great work everywhere in Texas".

Clearly, world renowned Texas hospitality has lived up to its reputation. The spirit of the North Texas community is strong and kind, and I commend all North Texans who have contributed toward the restoration of hope for their fellow man.

RECOGNIZING CHRISTIANSBURG,  
VIRGINIA CHIROPRACTOR FOR  
SERVICE TO THE CHIROPRACTIC  
PROFESSION

**HON. RICK BOUCHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BOUCHER. Mr. Speaker, next week, the American Chiropractic Association—the nation's largest professional association for doctors of chiropractic—will elect a new Chairman of the Board of Governors at their annual conference in St. Paul, Minnesota. The outgoing Chairman, the chair since 2003, is a constituent of mine who practices in Christiansburg, Virginia: Doctor of Chiropractic, George B. "Mac" McClelland.

Dr. McClelland is a 1969 graduate of National College of Chiropractic and has practiced chiropractic for more than 30 years. He was elected chairman of the Board of Governors during ACA's 40th Annual Business Meeting in Albuquerque, New Mexico, September 20, 2003.

Dr. McClelland has been extremely involved in the chiropractic profession for many years. He has served on the ACA Board of Governors since 1999, and on its executive committee for the past two years. Prior to being elected to the Board, Dr. McClelland served as ACA's Virginia Delegate for 18 years. In addition, Dr. McClelland is a current member of ACA's Council on Orthopedics and has been a member of ACA's Council on Roentgenology and its Council on Sports Injuries. He served as national chairman of ACA's Managed Care Committee from 1996 to 1999.

Dr. McClelland has also been extremely active with the Foundation for Chiropractic Education and Research (FCER) and currently serves as its vice president, as well as a member of its Research Committee, Board of Trustees and President's Council. In addition, he was FCER president from 1990 to 1996.

Dr. McClelland has been recognized for his service and significant contributions to the chiropractic profession. He is a two-time recipient of the VCA Chiropractor of the Year Award and has also received a Special Service Award and a Lifetime Achievement Award from the VCA. In 1997, he received ACA's first Delegate of the Year Award, and he has also received the Chairman's Award, the President's Award, a Meritorious Service Award and a Distinguished Service Award from the ACA. In 1985, he was awarded an honorary Fellow of the International College of Chiropractic degree.

Dr. McClelland, a Vietnam veteran and avid golfer, lives in Blacksburg, Virginia with his wife, Susan. He has two children. Fall Saturdays find Mac and Susan's home decked out in Virginia Tech maroon and orange.

Mr. Speaker, I am proud to have Dr. McClelland as a constituent and even prouder of his more than 30 years of service to patients throughout Virginia.

HONORING CONSTITUTION DAY

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BOEHNER. Mr. Speaker, I rise today to recognize the United States Constitution's 218th anniversary.

On September 17, 1787, 39 delegates from 12 states convened in Philadelphia to outline the powers of a new government—a government that for the first time in world history would exercise its authority from powers loaned to it by its citizens, not the other way around. It represented a sea change from centuries of belief that every person's right to his property was somehow the state's to grant or to confiscate.

John Adams once said, "The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist." I believe that every American that swears to defend the Constitution is obliged to defend that sacred right. Unfortunately, there exists a depressing trend, highlighted by the Supreme Court's recent 5–4 decision in *Kelo v. New London*, where those who think "government knows best" gain and property rights yield.

With the death of the late Chief Justice William Rehnquist, America is once again presented with a test of her character. A new Chief Justice must be appointed. He or she will bear the responsibility for defending a document that has generally succeeded in securing individual liberty for 218 years. From what I have learned about Judge Roberts, I am optimistic that he will rise to the occasion. I can only hope that the Senate will too. The Constitution is far too valuable for politics.

IN SUPPORT OF POW/MIA  
RECOGNITION DAY

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. HIGGINS. Mr. Speaker, I rise in respect of National POW/MIA Recognition Day. The brave sacrifices made by our Nation's veterans have protected the liberty of millions of Americans, and have brought freedom to countless individuals throughout the world. Today is a day for our Nation to humbly thank and remember those who have given up their freedom to protect our own.

Hundreds of thousand of Americans have been interned at the hands of their captors; many of these men and women are alive in our country today, and more than 88,000 remain missing from World War II, the Korean War, the Cold War, Vietnam, the Persian Gulf, Somalia, Kosovo, Afghanistan and Iraq. Today, our Nation thanks these brave individuals who have protected our freedom while losing their own and we renew our commitment to the families of those who are still missing by promising to do everything possible to account for their loved ones.

On September 16, 2005, I ask our Nation to salute American POWs and those honorable

men and women missing in action, and I urge my colleagues to fly the flag of the National League of POW/MIA Families, a black and white banner symbolizing America's missing.

CELEBRATING THE 60TH ANNIVERSARY  
OF SAN JOAQUIN MEMORIAL  
HIGH SCHOOL

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. COSTA. Mr. Speaker, I rise today to congratulate San Joaquin Memorial High School on this ceremonious day in celebration of their 60th anniversary.

San Joaquin Memorial High School deserves congratulations for their dedication to providing their students with a superior education and making the tuition very affordable for many families in the Fresno area. With a 154 graduating class of 2005 nearly all of their students plan to attend colleges or universities. Over the past 15 years San Joaquin Memorial High School graduates' average college enrollment is higher than 98 percent and many of their graduates advance to the top universities in the nation.

The School was founded in 1945 and was given the name "Memorial," and school colors, "red, white, and blue," to serve as a living reminder of the men and women from the San Joaquin Valley who gave their lives in the service of their country. San Joaquin Memorial High School has been an exceptional addition to our community and serves as a model High School for other schools in the area.

San Joaquin Memorial High School strives to offer an academically challenging curriculum designed to stimulate critical thinking, to develop individual capabilities, to seek the truth in information and to gain wisdom in knowledge. They also believe that they can help their students recognize the uniqueness of the self and offer an environment conducive to personal growth. The students at San Joaquin Memorial High School are empowered to become self-disciplined and with their discipline they donate much of their time to community service in an effort to better society for the public, their school and their church.

They have continued to develop and modernize their facilities from its three original classroom buildings in 1945. A part of their Mission Statement is to give "service to the poor." With their hard work and dedication to supplying the San Joaquin Valley with an enormous amount of consideration and compassion for others they will surely continue to thrive in the Valley for many years to come.

PETITION TO RELEASE ROMAN  
CATHOLIC FAITHFUL FROM  
CHINESE PRISONS

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. WOLF. Mr. Speaker, upon the 50th anniversary of the Communist government assault on the Roman Catholic Church in Shanghai, I wish to submit for the RECORD a letter

from the Cardinal Kung Foundation to Chinese President Ju Hintao. The Cardinal Kung Foundation advocates on behalf of the persecuted underground Catholic church in China.

SEPTEMBER 1, 2005.

President HU JINTAO,  
*People's Republic of China, c/o Ambassador Yang Jiechi, Embassy of the People's Republic of China, Connecticut Avenue, NW Washington, DC.*

DEAR PRESIDENT HU: September 8, 2005 will be remembered as your historical first visit to the United States and to Yale University as the President of the People's Republic of China. The world will be eagerly listening to your vision for China. However, September 8, 2005 is also being observed by 12 million Roman Catholics in China and millions more worldwide as the 50th anniversary of the unjust and brutal assault on the Roman Catholic Church in Shanghai when the Chinese government simultaneously arrested the late Bishop Ignatius Kung Pin-Mei, at the time the Roman Catholic Bishop of Shanghai, 21 priests, 2 nuns, and approximately 300 Roman Catholics for practicing their Roman Catholic religion.

Today, fifty years later, we commemorate and weep silently about this gross injustice and tragedy that your government had inflicted upon these innocent Catholic religious and faithful. All of them were sentenced to 10-30 years and even to life imprisonment. In honor of these bloodless martyrdoms, the late Pope John Paul II secretly (in pectore) elevated Bishop Kung Pin-Mei to a Cardinal in 1979 while he was still in jail and publicly proclaimed him a cardinal in 1991 amidst a 7-minute standing ovation before an audience of 7,000 people.

Since 1949 when your government took over China, literally tens of thousands of Roman Catholic bishops, priests, nuns, and their faithful have been imprisoned for 5, 10, 20, 30 or even 40 years. Many of them, such as Bishop Fan Xueyan of Baoding (34 years in solitary confinement), died in jail. Some of them are still in jail on this date or have vanished after they were arrested. Many of them were released after a very long period in jail. Some of those released are still living in China or in other parts of the world. Some, such as Cardinal Kung Pin-Mei, whom the late Pope John Paul II called "this noble son of China and of the Church" (30 years in solitary confinement and 2.5 years in house arrest), and Archbishop Dominic Tan Yee-Ming of Canton (24 years in jail without a trial), have since died.

It does not matter if these prisoners are dead or living today. They are still considered criminals because the "criminal" charges against them were never erased by your government.

There are thousands more like Cardinal Kung, Bishop Fan and Archbishop Tang. They are all loyal citizens of China and they love China.

Mr. President, you have the power and the leadership to bring modern China into an era of true religious freedom. Mr. President, you also have the wisdom and historical acumen to realize that a country without religious freedom is never peaceful and constructive. You know the importance of changing the world's perception of China's human rights policy for the better and you can do it. And, we pray that you will do it.

The Chinese government has justifiably exonerated numerous political prisoners in the past. On this 50th anniversary of the unjust and brutal assault of the Roman Catholic Church in Shanghai described above, the Cardinal Kung Foundation appeals to you once again, as we have appealed to your Ambassador Yang Jiechi on March 23, 2005, that all these prisoners, including Cardinal Kung,

Bishop Fan and Archbishop Tang and many others, both living and dead, be officially and posthumously exonerated of so called crimes of which the Chinese government falsely and unjustly accused them, some as long as five decades ago. We also appeal to you to release all current religious prisoners from prison and labor camp as per the attached list. By your doing so, the reputation of these living and dead religious prisoners of conscience in China can be restored. Those who are still living can at least once again enjoy equal treatment in the society. To do so will be a powerful testimony to the Chinese government's respect for and adherence to human rights and liberty. To do so will also prove that China is honoring the spirit of the Olympic Games that you will have the honor of hosting in 2008.

God love you.

Thank you.

Yours truly,

JOSEPH KUNG,  
*President, Cardinal Kung Foundation.*

CONGRATULATING NED MCGINLEY  
 ON THE OCCASION OF HIS SERVICE  
 AS NATIONAL PRESIDENT OF  
 THE ANCIENT ORDER OF HIBERNIANS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Ned McGinley, of Wilkes-Barre, Pennsylvania, who is serving his second, two-year, term as national president of the Ancient Order of Hibernians.

Born in Pittston, Pennsylvania, Ned graduated from Wilkes College in 1966. He was captain of the wrestling team and was named All American in 1963. Married for 36 years to his wife, Maryellen, the couple has three children and five grandchildren.

A school teacher for 31 years in the Wyoming Valley West School District, Ned is now athletic recruitment coordinator for King's College in Wilkes-Barre. A member of the AOH since 1978, Ned served in numerous leadership roles within the organization. In June, 2002, he was elected national president without opposition. Having visited Ireland 25 times in the past 16 years, Ned has been devoted to furthering the Peace Process in Northern Ireland.

He is a strong proponent of the Hibernian Charity Corporation, instituted in 2005, to bring tax deductible contributions to Project St. Patrick, stipends for religious vocations and support for the Hibernian Hunger Project.

Under Ned's leadership, the AOH is working to introduce a resolution on the Molly Maguires to the Pennsylvania legislature. The AOH is convinced that the Irish men convicted of crimes in the Pennsylvania coal fields of Luzerne and Schuylkill Counties in the 1870s were denied legal due process during their trials. During Ned's term of office as national president, the AOH has called upon the Irish Republican Army to renounce violence in its struggle for a united Ireland. Last July, the IRA agreed to do that and limit itself to using the political process to achieve goals.

Mr. Speaker, please join me in congratulating Ned McGinley for his devoted service to

the Ancient Order of Hibernians, a proud organization committed to preserving Irish history and culture and to promoting Irish values.

WINNING THE WAR IN IRAQ

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HENSARLING. Mr. Speaker, last night while participating in a special order hour, I misspoke and substituted the name of my wonderful wife Melissa for that of my young daughter Claire. I would like to reiterate how proud I am of our brave men and women in uniform and of their contributions to keeping American families safe.

SUPPORT FOR OUR COAST GUARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, and in strong support of the U.S. Coast Guard.

Mr. Speaker, I have never been more proud of the men and women that serve in the United States Coast Guard. In the past 2 weeks, these valiant men and women have shown their dedication to our Nation. In the aftermath of Hurricane Katrina, the Coast Guard was the very first government entity to arrive. The Coast Guard is solely responsible for saving thousands of Americans from the destruction and flood waters brought by Hurricane Katrina.

The Coast Guard, whose motto is Semper Paratus, always ready, was prepared to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra aircrews to the Gulf region. Once the storm hit, the Coast Guard air and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks is to place Vice Admiral Thad Allen in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on the shelf when the big one comes. Responding to emergencies and tragedies is a part of the daily routine for the Coast Guard. By working to create relationships with State and local government officials, and those in the private sector, the Coast Guard has the resources to respond in times of crisis. To date, the Coast Guard has saved over 12,500 lives with their air resources, and in using boats or other surface transportation methods has saved over 11,500 lives. They have also evacuated over 9,400 people to hospitals.

And when the storm had passed, they remained on the scene helping to cleanup the mess and protect the environment. In New Orleans, they are coordinating the cleanup of 15 significant oil spills, and helping to coordinate the removal of sunken ships and barges.

Mr. Speaker, the Coast Guard has responded with all of the resources at their command to the Katrina disaster. It is time for the

House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year.

Mr. Speaker, I am honored to have joined with my Committee Chairman, Mr. LOBIONDO, in crafting language in this bill that not only provides the appropriations and authorizations for the Coast Guard, but more importantly, gives proper recognition and gratitude for their efficient response to the Hurricane disaster. Make no mistake of it Mr. Speaker, while there was confusion and chaos, it was the Coast Guard that was there, on the ground saving lives.

IN REMEMBRANCE OF  
REPRESENTATIVE LLOYD MEEDS

**HON. RICK LARSEN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. LARSEN of Washington. Mr. Speaker, today we mourn. We also remember. We mourn the loss of a public servant who worked to make government the best it could be. We remember his accomplishments and celebrate his legacy.

And we take heart in the memories that we share of this great man.

Congressman Lloyd Meeds was not a distant politician. He was a friend and a neighbor whose public work was devoted to maintaining and improving our unique quality of life for generations to come. He was, in the words of his colleague Congressman Morris Udall, "a workhorse rather than a showhorse", a "glutton for the tough, detailed work that so many of us shun."

These words paint an accurate picture of a true public servant and statesman. And they set a standard of excellence for those of us now serving in Congress.

Congressman Meeds's tough, detailed work played a major role in creating Head Start and the Youth Conservation Corps. He took a stand as one of the first to support Title IX, the law that bans gender discrimination in our schools.

He set an example for me personally with his work to preserve and protect land for future generations by brokering the North Cascades Act that created the North Cascades National Park and the Alpine Lakes Wilderness. He later worked for a resolution to ensure passage of the Alaska National Interest Lands Conservation Act, a vital piece of legislation that will protect some of the most pristine land in the United States for generations to come.

His accomplishments were many, and his commitment to the Pacific Northwest was unyielding. That commitment certainly did not end when he left Congress.

The State of Alaska declared February 28, 2005 "Lloyd Meeds Day" as a heartfelt thank-you for the Congressman's lifetime of effort on behalf of the environment and Native Americans.

This is the legacy of Congressman Lloyd Meeds—a passionate and tireless advocate for the causes he embraced.

We mourn a loss today. Congressman Meeds will be missed. The foundation he laid, however, provides the basis for the diversity

and strength we see in our communities today.

PERSONAL EXPLANATION

**HON. ERNEST J. ISTOOK, JR.**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ISTOOK. Mr. Speaker, my absence today from the House chamber is due to my traveling to New Orleans and Oklahoma City to assess the damage and relief efforts in the wake of Hurricane Katrina. My return to Washington, DC is not possible until after conclusion of today's legislative business. As a member of the Committee on Appropriations and the vice chair of the Subcommittee on Homeland Security I am involved in the direct funding of our government's efforts in saving lives, stabilizing this devastated area, restoring order, mitigating still uncertain conditions, and beginning the rebuilding process that can assist in returning prosperity and making people whole. During my visit to New Orleans, I will witness firsthand the scope of the devastation, observe relief operations, and meet with some of the more than 2,100 members of the Oklahoma Army National Guard serving in New Orleans. My trip concludes with my traveling to Oklahoma City to meet with hurricane evacuees and relief workers.

Since Hurricane Katrina made landfall on the Gulf Coast August 31, Oklahomans have been at the forefront of relief efforts. Since August 30, the Oklahoma National Guard has supplied four U860 Blackhawk helicopters, airlifted tens of thousands of pounds of food and water to New Orleans and supplied much-needed security and rescue efforts in the midst of looting and flooding that followed the hurricane's landfall. Oklahomans have also opened up their homes and businesses to help the relief effort, and have worked with the Red Cross in opening shelters for those evacuees throughout Oklahoma.

INTRODUCING LEGISLATION TO  
ESTABLISH A SPECIAL INSPECTORS  
GENERAL COUNCIL FOR  
HURRICANE KATRINA

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. PLATTS. Mr. Speaker, I rise today to introduce legislation to establish a Special Inspectors General Council for Hurricane Katrina. As Members of Congress charged with overseeing the operation and accountability of the Federal government, we have a responsibility to ensure that all funds we authorize and appropriate are spent for their intended purposes. In the wake of the terrible devastation caused by Hurricane Katrina, we have already appropriated more than \$60 billion for the immediate relief effort, and this amount is, no doubt, only the beginning. These funds must be spent in a way that ensures that the people in the affected areas of Louisiana, Mississippi, and Alabama are able to recover.

Assuring accountability for relief and recovery projects is imperative. The public's trust in

their government has been shaken in the aftermath of this disaster. We must assure the American people that we are being appropriately prudent with their money. Any dollar lost to fraud or waste is a dollar that does not make it to someone who is in need. This funding is too important to be misspent, and that is precisely why I am introducing this legislation today.

As Chairman of the Subcommittee on Government Management, Finance, and Accountability, I have seen firsthand the good work of agency inspectors general. Their unique relationship with both the agencies they oversee and the Congress, to whom they report, provides an ideal check on the system. Inspectors general have long stood as a bulwark against fraud and mismanagement.

While some in the Congress have called for the appointment of one Special IG to oversee hurricane relief funding, this proposal raises concerns. The most troubling aspect of the legislation is a requirement that this Special IG be appointed by the Secretary of the Department of Homeland Security within three days. This is contrary to the intent of the Inspector General Act. The IG Act requires that an IG with this much authority—one who would potentially oversee the expenditures of up to \$200 billion—be appointed by the President with the advise and consent of the Senate. Under the Special IG proposal, we would face the unworkable problem of having several IGs with Senate confirmation reporting to a political appointee who reports to one cabinet secretary.

The response to Hurricane Katrina will involve the full breadth of Federal resources. It will touch nearly every Federal agency. What we need is a coordinated response from the IGs now in place throughout government. We need IGs with institutional knowledge unique to their own agencies to work together under the leadership of the Department of Homeland Security. This Council will draw on the resources of over 5,000 auditors and investigators who are already in place today.

The hurricane relief money is being spent right now. It is important that this coordination begin as quickly as possible. We cannot take a chance on a single Special Inspector General who mayor may not have the depth and breadth of knowledge to ensure full accountability at all the Federal agencies that will be part of this effort. We have no time for a learning curve, especially when we have the ability to leverage the considerable resources already available. A Special IG Council will enable this important work, which in many cases is already underway, to be completed in the most effective manner.

HONORING THE BEDFORD  
GAZETTE

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SHUSTER. Mr. Speaker, I rise today to honor the Bedford Gazette, a daily newspaper serving Bedford County, Pennsylvania. On September 21, 2005, the Bedford Gazette will celebrate its 200th anniversary. A solid institution in Bedford, I grew up with the Gazette in our family's home.

While there is no definitive list of the oldest newspapers in the United States that are still published under their original names, it is believed the Bedford Gazette is among the 30 oldest newspapers in the country. The motto of the paper: "Published continuously since 1805. One of America's oldest newspapers" stakes its historical claim. What began as a four page weekly containing mainly political reports and stories has grown to publish daily since 1950.

As with so much of my district, Bedford, Pennsylvania has had a front seat to American history. The Bedford Gazette was there as eyewitness, recording the first steps of a new nation, and there are documented reports of Gazette editors as players in that history. One editor wrote of playing billiards with John Brown when he stayed in Bedford (under an assumed name) on his way to Harper's Ferry, West Virginia, to carry out his infamous raid. Another Gazette editor announced to the country that Pennsylvanian James Buchanan would not seek re-election to the U.S. Presidency. The proximity of the famous Bedford Springs Hotel allowed the Gazette access to centuries of America's movers and shakers. Presidents James Polk, Zachary Taylor, William Henry Harrison, John Tyler, James Garfield, Dwight D. Eisenhower, and Ronald Reagan all spent time at the Hotel and the Gazette was there to record it.

The Frear family of Bedford has a long history with the Gazette. In 1935 Hugo Frear became editor of the paper, and when he volunteered for service in the U.S. Navy during World War II, his wife Virginia stepped in and ran the paper herself. His son Ned would become editor, serving for 30 years and eventually his grandson Chris would take the reins for another 10. All in all, three generations of the Frear family were owners, publishers, and editors for almost 60 years.

Mr. Speaker, I am proud to recognize the historical milestone of the Bedford Gazette, a newspaper found on all kitchen tables across the county, including my own. The Bedford Gazette is more than just a daily newspaper. It is an established tie connecting Bedford's rich history and promising future.

#### NADER STATEMENT ON ROBERTS NOMINATION

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CONYERS. Mr. Speaker, for decades Ralph Nader has forced Washington to confront crucial issues that otherwise might be swept under the rug. True to form, he now has called to our attention an important question regarding the candidacy of John Roberts to be Chief Justice of the United States. His statement to the Senate Judiciary Committee on that nomination raises issues in many areas important for all of us in Congress. Important areas of focus are access to the courts.

Mr. Nader's statement follows:

WASHINGTON, DC,  
*September 12, 2005.*

Mr. Chairman and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony on the nomination of Judge John G. Roberts Jr. for the

position of Chief Justice of the Supreme Court of the United States. I ask that this statement be made part of the printed hearing record.

In 1994 I testified before the Senate Judiciary Committee on the nomination of Stephen G. Breyer by President Clinton to be an Associate Justice of the Supreme Court of the United States. In that testimony I called attention to the importance of balance in the way our laws handle the challenges of corporate power in America.

I said: "For our political economy, no issue is more consequential than the distribution and impact of corporate power. Historically, our country periodically has tried to redress the imbalance between organized economic power and people rights and remedies. From the agrarian populist revolt by the farmers in the late 19th and early 20th century, to the rise of the federal and state regulatory agencies, to the surging trade unionism, to the opening of the courts for broader non-property values to have their day, to the strengthening of civil rights and civil liberties, consumer, women's and environmental laws and institutions, corporate power was partially disciplined by the rule of law."

Today it is more important than ever for all Supreme Court Justices and, in particular, the Chief Justice of the Supreme Court to have the inclination and wisdom to realize that our democracy is being eroded by many kinds of widely reported systemic corporate excesses. Giant multinational corporations have no allegiance to any country or community, and the devastation and other injustices they visit upon communities throughout the United States and around the globe have outpaced the countervailing restraints that should be the hallmark of government by, for and of the people. Unfortunately, the structure and scope of these hearings are not likely to devote a sufficient priority to the corporate issues of our times.

In 1816 Thomas Jefferson wrote: "I hope we shall . . . crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country." Imagine his reaction to the corporate abuses of Enron Corp., HealthSouth Corp., Tyco, WorldCom or Adelphia Communications Corp. to name only a few, along with the drug, tobacco, banking, insurance, chemical and other toxic industries. The corporate crime and greed of today tower over the abuses of the "moneyed corporations" of Jefferson's day. The economic power of giant corporations is augmented by a flood of Political Action Committee (PAC) money and other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increasingly more corporate than civic.

You will hear about Judge Roberts from several perspectives, but it is safe to assume that questions and testimony about Judge Roberts' views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corporations have on our democracy. An important procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving individuals the ability to hold "wrongdoers" accountable in a court of law. "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice," said the famous jurist, Learned Hand.

Unfortunately, powerholders, corporations and other institutions which are supposed to be held accountable by the civil justice system, are striving to weaken, limit and override the province of juries and judges. Some

companies, led by insurers, have used expensive and focused media to promote the view that civil juries are too costly and too unpredictable. This narrow and short-sighted perspective is contrary to the long-standing tenets of our democracy and in particular the Seventh Amendment to our Constitution.

The civil jury system of the United States embraces a fundamental precept of tested justice: ordinary citizens applying their minds and values can and do reach decisions on the facts in cases that often involve powerful wrongdoers. This form of direct citizen participation in the administration of justice was deemed indispensable by this nation's founders and was considered non-negotiable by the leaders of the American revolution against King George III. But the civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterrence of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of the few authoritative reservoirs of advancing standards of responsibility between the powerful and the powerless—whether between companies and consumers, workers, shareholders and community or between officialdom and taxpayers or citizens in general. Knowing the evolution of the common law and the civil jury provides compelling and ennobling evidence of this progression of justice. Chief Justice William Rehnquist wrote, "The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary."

As the hearing unfolds, I suggest that the members of the Judiciary Committee devote some time to areas beyond those that are traditionally the focus of witnesses and questioning by Committee members and ask fundamental questions about the views of Judge Roberts, a former corporate lawyer at Hogan & Hartson, regarding corporate power and the civil justice system.

In the spirit of expanding the criteria by which the Committee and the public can measure Judge Robert's judicial and civic philosophy, I offer the following questions for you to pose to the nominee. Some of the questions are narrowly focused and some are broad-gauged. But, in their totality they constitute the broad kind of "litmus test" that should be applied in selecting and confirming all judges. In short, does the nominee, having met the threshold requirements of competency, believe that the rule of law should be used to broaden and deepen, procedurally and substantively, our democracy—even if it means the rights of the giant corporation or powerful interests must be circumscribed to protect the rights of the individual citizen and of our communities—rural or urban, large or small?

In pursuing its own line of questions, the Committee should not let its exploration of the nominee's views be artificially restricted. Judicial nominees have given two reasons for refusing to answer questions, but these reasons are contradictory. First, they say, if they publicly express their views, it will compromise them if the issue comes before the Court. Second, they say, judges do not decide legal issues in a vacuum: they only decide a concrete dispute in a specific adversarial context. Accordingly, some nominees claim it's silly or inappropriate, for example, to say whether they believe the Constitution protects the right to abortion, because Justices don't decide cases by asking

such abstract questions. They face a particular statute, challenged by a particular party directly affected in a particular way, and the resolution of that dispute will turn on all those particulars.

This second response has a degree of merit—and undercuts the first reason for refusing to answer most questions. Precisely because neither nominees nor the public can know in what context issues will reach the Court (if at all), it is not problematic for nominees to discuss their views. They should not say how they would decide an actual pending case, but, short of that, it is fine for them to discuss issues because that in no way commits them to taking sides in any actual dispute—such disputes are invariably context-specific. For example, a nominee may be asked about the doctrine that treats a corporation as a “person” entitled to various constitutional rights. His or her thoughts on this issue will not tell us what he or she will do if such an issue is raised in a case before the Court. The latter may depend on the nature of the corporation (non-profit? media? multi-national?), the nature of the claimed right, and much more.

Moreover, even if the nominee testifies that he or she disapproves the doctrine, as a Justice the nominee may hold that the question is settled law. Or if a nominee says that he or she agrees with the doctrine, a new circumstance—or a party making a new argument—may lead the nominee to hold otherwise. Nothing a nominee says guarantees that he or she will decide any case any particular way. Nothing that is said has to be fixed in stone. Judges do give opinionated public speeches, do they not?

It may be wondered whether, in light of the above, any purpose is served by asking the nominee his views. The answer is yes. It's no secret that nothing a nominee says binds the nominee once he or she receives an office with life tenure. Nominees can't and shouldn't be bound. But especially with a nominee who has a limited public record, the hearings provide some basis for gauging the nature and quality of his ideas, about his philosophy of due process for example. At any rate they have that potential—if Senators do their job and do not accept a nominee's self-serving refusal to answer questions.

At the outset, it would behoove the Committee to establish the parameters the nominee will use in fashioning responses to your questions by asking:

What criteria are you using to determine if you will directly answer or not answer questions posed to you by members of the Senate Judiciary Committee?

If the Court has recently ruled on a matter, will you provide the Committee with your views on the Court's ruling?

If a matter is long settled, will you provide the Committee with your views on the Court's ruling?

Once this baseline has been established, the following questions should shed light on nominee's approach to some major issues of our day.

1. Lloyd Cutler, speaking as a prominent corporate attorney, once said: “There is one point I want to make clear: we believe in the arguments that we make.” Do you believe the arguments you have made on behalf of your corporate clients?

2. Do you believe limits on television station ownership abridge the free speech rights of corporate broadcasters?

3. What is your view of the First Amendment rights of the listeners being paramount to those of the broadcasters as articulated by the Court in *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969)?

4. Do you see a problem when corporations are treated as equal participants, with every

right to use their First Amendment rights to dominate public policy debates such as those that occur in state and local referenda?

5. Do you believe the Court should uphold state and Congressional limits on corporate political expression in order to equalize contributions to public debates?

6. Do you believe that a strict reading of the Constitution provides for the treatment of corporations as “persons” under the law for purposes of equal protection, freedom of speech or due process of law? And, if so, what in the Constitution's text provides a basis for this belief?

7. Many observers complain that law firms representing large corporations routinely abuse the discovery process in order to delay and harass their opponents. Have you observed that phenomenon? If so, what should be done about it?

8. In 1986, in *Pacific Gas & Elec. Co. v. Public Util. Comm'n of Cal.*, 475 U.S. 1 (1986) the Supreme Court (5 to 3) struck down a state regulation as violating a utility company's “right of conscience” under the First Amendment. What makes the case particularly unsettling is its disconnectedness to opinions past and future. As Justice Rehnquist observed in his lengthy dissenting opinion in the case, “the two constitutional liberties most closely analogous to the right to refrain from speaking—the Fifth Amendment right to remain silent and the constitutional right of privacy—have been denied to corporations based on their corporate status.” Do you think it makes sense to attribute a right of conscience to a commercial corporation?

9. Would any trade agreement, such as GATT, NAFTA, or CAFTA ever require Senate ratification as a treaty?

10. Does the President have complete discretion to determine whether an international trade or other agreement must be submitted to the Senate for two-thirds treaty approval? If not, what are the criteria that determine when an international agreement must be submitted to the Senate for two-thirds treaty approval?

11. Are there limits on Congress' power to strip federal courts of jurisdiction over a particular issue? If so, what are such limits?

12. Do you believe victims of defective products that meet federal standards should be limited from recovering damages from the manufacturers of the defective products?

13. Do you believe Congress should federalize and pre-empt state products liability common law in any or all sectors?

14. Plaintiffs' trial lawyers have been blamed by their corporate critics for all sorts of problems with the economy and legal profession. Do you believe that those representing injured persons in product liability and medical malpractice cases are harming America?

15. So-called tort-reform is aimed at restricting the amount of non-economic damages, such as pain and suffering, a party can receive. Are you concerned that this interferes with the traditional role of juries and judges to find facts and mete out appropriate justice?

16. Do you believe the use of the government contractor defense should be limited in nonmilitary procurement? If so, how?

17. Some people say the Ninth Amendment can play no substantive role in protecting rights, that it's merely a statement of principle or reminder of limited government. Do you agree?

18. A number of legal scholars argue that the 11th Amendment has been interpreted by the Court to shield states from liability for wrongdoing in a way that blatantly contravenes the original intention of the Amendment. Are you familiar with that scholarship and do you find it persuasive?

19. In what circumstances, if any, is it appropriate for a contractual arbitration clause to contract away substantive contract law, tort, or statutory rights? For instance, can an arbitration clause require arbitration of a worker's Title VII rights and at the same time limit the worker's compensatory damages to \$200,000? Can that same clause require the loser to pay the winner's attorney's fees? Can that clause require that the parties to arbitration bear their own attorney's fees?

20. Describe the presumption against preemption of state law. Does it apply in some or all instances where federal law is said to preempt state law?

21. Is the presumption against preemption of state law (by federal law) similar to the plain statement rule that demands that Congress speak with unmistakable clarity if it wishes to override the states' sovereign immunity? If the presumption against preemption is not similar to the plain statement rule, explain how it is different?

22. How is the presumption against preemption applied in cases where federal regulatory law (regulating, for instance, drugs, boats, pesticides, motor vehicles, and the like) is said to preempt state tort law that provides monetary remedies to compensate for injuries caused by a product that the federal government regulates?

23. Do you believe Congress should preempt the state-law-based medical malpractice system?

24. What are your views on the “American rule” as opposed to the English rule under which the losing party in litigation generally pays the winner's costs, including attorney's fees?

25. What has been your reaction or views on Congressional funding levels for federally funded legal services programs over the last two decades? Should government be responsible for funding representation for poor people in civil litigation where important property or liberty interests are at stake? Or should that be mainly or entirely a private function?

26. Some scholars and judges believe that “Originalism” is the only principled method of constitutional interpretation. Do you agree?

27. Do you believe that a declaration of war by Congress is Constitutionally required for the United States to engage in war?

28. Does a Congressional delegation of the war-making discretion to the President in the form of a war resolution meet the test of of Article One, Section Eight of the Constitution?

29. What level of equal protection scrutiny was applied in *Bush v. Gore*, 531 U.S. 98 (2000)?

30. What is the precedential effect of *Bush v. Gore*? In other words, what kinds of equal protection claims does *Bush v. Gore* control or apply to? After *Bush v. Gore*, may a political entity (city, county, state) holding an election use more than one type of voting methodology (paper ballots, standard machines, punch cards, etc.) knowing that the error rates (whether through undercounts or otherwise) are different from one methodology to another?

31. Is there a need to amend our open government laws to make the President subject to them in whole or in part? Would such amendments be constitutional?

32. Do you believe arguments before the Supreme Court should be televised in the way C-SPAN televises Congressional deliberations?

33. In your view, is the Freedom of Information Act functioning properly at this time? If not, what are the major problems facing the Act?

34. In *Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and*

Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that Buckhannon applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand Buckhannon to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's Buckhannon decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the Buckhannon decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 Georgetown Journal of Legal Ethics titled Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights

into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

RECOGNIZING DR. ROBERT W. DARTER OF SAINT HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Robert Darter of Saint Helena, California for his 40 years of public service on the Saint Helena Library Board of Trustees, making him one of the longest serving members.

A native of Northern California, Dr. Darter earned his Bachelors of Science in Public Health from the University of California at Berkeley. He received both his M.S. in Microbiology and his M.D. from Northwestern University in Chicago.

Dr. Darter has become a household name in Saint Helena. A beloved and highly revered doctor throughout the community, Dr. Darter has helped care for and protects the health of his fellow Napa Valley citizens for nearly half a century.

Despite the uncompromising and exhausting demands of his profession, Dr. Darter has continued to devote his life to the betterment of our community. He has worked with numerous organizations including the Boy Scouts of America and Kiwanis Club of Saint Helena.

For the past 40 years Dr. Darter has played an integral role on the Saint Helena Public Library's Board of Trustees, the past 29 of which he has served as Chairman. With his leadership, dedication and forward thinking personality the Saint Helena Public Library has made considerable advances, including two building expansions, the first in 1979 and the second in 1999. He is currently working to designate neighboring land for future expansion campaigns, which will enable our library to continue enriching our community with the best possible resources.

I'm sure Dr. Darter's wife, Jan, and their five children Robert, Michael, James, John and Kimberley are all extremely proud of him.

Mr. Speaker, it is appropriate that we thank Dr. Robert Darter for his years of hard work and dedication to my hometown, Saint Helena. On behalf of my fellow colleagues I wish to extend my sincerest gratitude to Dr. Darter for all that he has done and continues to do for our community. Thank you, Dr. Darter.

HISPANIC HERITAGE MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise in honor of Hispanic Heritage Month and pay tribute to the extraordinary contributions that Hispanics make to America year-round. This month-long celebration begins on September 15, the anniversary of the independence of 5 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. This anniversary commemorates the day

these countries declared their independence from colonial rule, and continues to represent unity for all Latinos in the U.S. and in Latin America.

Throughout the month we celebrate the Hispanic community and pause to reflect on Hispanic values—faith, family, and patriotism. These values are American values. The Hispanic dream—the hope of a better future—is the American dream. There are more than 41 million Hispanic-Americans, and their hard work, deep faith and closely-knit families have made America a better and stronger country. As a Nation, we must advance initiatives that support empowerment and opportunity for all.

During this month, I am pleased to recognize the efforts of groups in Maryland's Eighth Congressional District that work to enrich the lives of Hispanic-Americans. An example of one such group is CASA de Maryland. The Ford Foundation and the National Council of La Raza, NCLR named CASA de Maryland "Affiliate of the Year" in recognition of its hard work and dedication to providing services that improve the lives of Latinos and others in Montgomery and Prince George's Counties.

As we honor the achievements of Hispanics, we know that celebrating the Hispanic community for one month a year is not enough. All Latinos deserve a real opportunity to achieve the American dream, whether they have been here for generations or have just arrived on our shores.

IN HONOR OF THE 3RD ANNUAL HISPANIC HERITAGE DINNER AND DANCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, on Saturday night, September 17, 2005, the 3rd Annual Hispanic Heritage Dinner and Dance will take place. I would like to congratulate the three organizations that worked hard to put this dinner together, Hispanics United of Buffalo, the Hispanic Women's League, and the Latino Business Owners Association (LBOA).

Hispanics United of Buffalo has worked hard in this community, providing assistance, while instilling pride, promoting rights, and allowing people to have a chance at a better life, by offering services unheard of being offered in the Hispanic community. Such services advocated by the agency include access to proper nutrition, adequate housing, affordable health care, meaningful employment, and equal educational opportunities. Since its inception, HUB has aided the Hispanic community by being a first step into a better, more prosperous community, not just for Hispanics nor simply for the West Side but for everyone in this city and for that I commend them.

The Hispanic Women's League, was formed in 1979 by a group of women to respond to issues affecting Hispanic women in Western New York. The primary commitment of the league has been to maintain a scholarship fund established to grant financial support to Hispanic/Latina women pursuing higher education. If it were not for the efforts of this organization, the next generation of leadership for the community would not be secure, by providing a chance at higher education to youth

in the Hispanic community; The Hispanic Women's League has ensured the future of the Hispanic community is a bright one and for that I would like to commend you.

The Latino Business Owners Association (LBOA) has become a sound and strong organization that serves existing and startup businesses in our community. It is the anchor of support in the business community with Leadership and Guidance. Aiding entrepreneurship in the Hispanic community, the LBOA is on the frontline of economical prosperity, providing credibility and an overall positive future for the community it has vowed to aid, and for this I commend you.

These three organizations play vital roles in the destiny of this community, and I know that their tireless efforts will continue to have a positive impact and play a major role in this city for years to come.

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## RECOGNIZING HISPANIC HERITAGE MONTH

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**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the celebration of Hispanic Heritage Month and to recognize the importance of democracy in the Americas.

Hispanic Heritage Month runs from September 15th to October 15th each year and is an occasion for all Americans to recognize the invaluable achievements and contributions that Hispanic Americans have made to our nation. The first day of Hispanic Heritage Month also marks the anniversary of independence for six Latin American countries—Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Hispanic Americans are members of a rapidly expanding and increasingly influential community in this nation, and they have played a vital role in shaping our nation's culture. They have contributed to every aspect of enhancing our society including serving as leaders in business, government, law, science and the arts. Additionally, they have sacrificed in the defense of this nation's freedom by serving in every major American conflict. Currently more than 10 percent of our active duty force is of Latino descent.

During this month's celebration, it is important to take time to recognize the value of the role Hispanics have taken in the democratic process both here in the United States and abroad. Hispanics in this country have taken an active role in democracy by increasing voter participation and striving to be model citizens, truly meriting recognition. Hispanic Americans' dedication to democracy is an extension of their strong commitment to community, hard work, and family unity.

Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing and celebrating National Hispanic Heritage Month.

## STATEMENT ON HOW TO END THE WAR IN IRAQ

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I prepared the following statement during a hearing organized by Rep. LYNN WOOLSEY on how to end the war in Iraq:

Good morning. Thank you, Chairwoman WOOLSEY for your leadership in holding this important hearing. 1,896 of our brave young men and women have died in Iraq. By some counts, up to 100,000 innocent Iraqis have perished in a war that was based on false premises. It was wrong to go in from the start and it is wrong to stay. And it is counter-productive to U.S., Iraqi and regional interests, as Iraq heads closer to an all-out civil war.

The U.S. presence in Iraq is fueling the insurgency, and has turned Iraq into a training ground for the insurgents. The insurgency is growing stronger by the day and attack tactics are becoming more advanced. Iraqi rebels have refined their bomb-making skills. According to a CIA assessment from this past June, the Iraq war was likely to produce a dangerous legacy by dispersing to other countries Iraqi and foreign combatants more adept and better organized than they were before the conflict.

It is not only our soldiers who are falling victim to this insurgency. Just yesterday it was reported that almost 150 Iraqis died and 500 were wounded in coordinated attacks of at least a dozen suicide bombings in Baghdad. 114 of those people were Shiite day laborers in Baghdad, lured into a minibus by a suicide bomber with the promise of work. This was the second deadliest suicide bombing since the war began. Al-Zarqawi's Sunni militant group, Al Qaeda in Mesopotamia, claimed responsibility in statements released over the group's website that said the bombings signified that "the battle to avenge the Sunni people of Tal Afar has started." Later, an audiotape released over the Internet that was said to be from Al-Zarqawi declared a "full-scale war on Shiites around Iraq, without mercy."

One year ago today, it was reported that a National Intelligence Estimate produced for President Bush in the summer of 2004 on the political, economic and security situation in Iraq determined that at best, stability in Iraq would be tenuous, and at worst, there were trend lines that pointed to a civil war.

Now today, as fears of civil war in Iraq are becoming realized, it is clear that the worst scenario predicted is coming true. The U.S. presence in Iraq is only making the conflict worse, as it is strengthening tensions between the Sunni militants and the Shiite majority, and serving to strengthen the insurgency.

The Iraqi constitution and the run-up to the October 15 referendum on the constitution has been a central point of concern for the Sunnis, who feel that the constitution will institutionalize their reduced role in Iraq. Tensions between Sunnis and Shiites have increased recently and the attacks yesterday in Baghdad only emphasize that point. Yet the constitution is widely perceived to have a large U.S. footprint. Adnan Pachachi described how U.S. Ambassador Zalmay Khalilzad participated in

most meetings for the constitution and was not neutral. Despite the Sunnis wanting to continue negotiations on the constitution, according to Mr. Pachachi, Ambassador Khalilzad was interested in seeing the draft constitution done and sent to the National Assembly as soon as possible in order to prove that US policy has succeeded in Iraq.

Furthermore, the U.S. presence has served to attract and recruit terrorists into Iraq, to fight the U.S. and what they consider to be the U.S.-backed government of Iraq. The insurgents' attacks are becoming more advanced through their practice on U.S. soldiers and now they are applying these improved tactics on the Shiite majority.

The U.S. presence is strengthening tensions within Iraq. There is no better time to leave than now—before the situation worsens. Iraqis themselves have asked for it. On June 23, 83 members of Iraq's newly elected National Assembly signed a petition calling for a timetable for the withdrawal of foreign troops.

A member of the Assembly, Abdul-Rahman al-Neeimi, told the paper that American forces "have used all possible means in order to provoke sectarian strife in Iraq, but have failed thanks to God." He concluded by saying, "We tell the occupation forces: Hands off the Iraqi people and let us heal our wounds by our own means."

It is time for this Congress to put aside the partisan differences that have occurred over the war and to come together in a plan where we can unify to take steps to withdraw our troops from Iraq and to take steps to heal the breach that the war has created between America and the world community. NEIL ABERCROMBIE, WALTER JONES, RON PAUL and I introduced a bipartisan bill calling for the withdrawal of U.S. forces from Iraq, and an announcement of the withdrawal by December 31, 2005. I believe that while a number of factors must come into play for a successful withdrawal, which I hope will be highlighted here today, merely announcing the withdrawal will start to reverse the increasingly disastrous course in Iraq.

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## IN LASTING MEMORY OF RAY BRAXTON MARTIN

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to commemorate the life and legacy of Ray Braxton Martin. Ray died on August 21, 2005 in Pine Bluff, Arkansas. Born on November 23, 1919 in the town of Rison, Arkansas, Ray graduated as co-valedictorian with his twin brother, Roy, from Rison High School in 1937.

Ray and his brother dedicated 31 years to Martin Brothers Gas Company. Ray is perhaps best remembered in Rison for his service to the Election Commission for nearly 35 years. It was imperative to Ray that local elections were carried out with the utmost integrity and honesty. Ray's impressive list of community activities include the Superintendent of Rison Baptist Church Sunday School where he was also a deacon, a 32nd degree Mason, past President of Arkansas Butane Association, and past Chairman of the Board of Trustees for Henderson State University. As you

can see, Ray spent a lifetime giving back to his community.

An avid Rison Wildcat football fan, Ray will be remembered by many in the Rison community for nearly six decades as the voice of the Wildcats. In 1995, Ray and his brother were honored for their dedication to the Rison School District when the school district designated a 'Ray and Roy Martin Week' to honor a half century of service. Ray truly set a high bar of community service for us all to aspire to.

Ray was a dear friend of mine and my heartfelt condolences go out to Ray's wife, Mary Ethel, their daughters, Cindy and Hilda; their grandsons, Marty, Russ, and Jason; and their great-granddaughters, Lindsey and Ella. While Jim may no longer be with us, his legacy and his spirit will always live on in all the lives he touched.

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TRIBUTE TO JESS F. GRANONE

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Jess F. Granone for his many years of outstanding service as Executive Director of the U.S. Space and Missile Defense Technical Center (SMDTC). Mr. Granone is leaving the position, which he assumed in May of 1999.

As director of SMDTC, he has been responsible for managing the day-to-day research, development, test, and evaluation activities for the Army's space and missile defense technology program. He has ensured that the command's efforts are balanced and integrated to support the Army, the Missile Defense Agency, and the Program Executive Office for the Air and Missile Defense.

Mr. Speaker, Mr. Granone began his career in missile defense as an engineer in the Joint Anti-Tactical Missile Project office in the mid-1980s. He has participated in numerous international defense initiatives in conjunction with NATO, Israel, and Japan, as well as numerous special assignments such as Chairman of the U.S. Army Missile Review Board.

Some of Mr. Granone's accomplishments include developing SMDC's first integrated technology program for Directed Energy, developing the first ever KATYUSHA rocket shot down by a laser system, and developing the Army's science and technology research efforts related to space and office products. Mr. Granone was also instrumental in starting the Rapid Aerostat Initial Deployment System program.

Through his many years of service, Mr. Granone has received numerous awards for his accomplishments. Most notably, he has received the Senior Executive Service Presidential Rank Award, the Meritorious Civilian Service Award, the Superior Civilian Service Award, and a Letter of Commendation from the Secretary of Defense.

Mr. Speaker, on behalf of the people of Alabama's 5th Congressional District, I rise today to express my gratitude to Jess Granone for his service to our military and our Nation.

TRIBUTE TO THOMAS M.  
DEVANNEY

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Thomas M. Devanney for his many years of outstanding service to our military and our Nation.

Mr. Devanney is currently the Acting Program Director for the Ground-Based Midcourse Defense Joint Program Office. In this capacity, he is responsible for the Ground-Based Midcourse Defense element of the Ballistic Missile Defense System.

Including his service in the GMD Joint Program office, Mr. Devanney has over thirty years of military and civilian missile system acquisition experience. Through his many years of service, Mr. Devanney has served in a variety of roles including the Chief of Missiles and Air Defense Systems in the Pentagon, Deputy PEO for Army Tactical Missiles and the Project Manager for the TOW Heavy Antitank Weapon Systems. He also served two overseas tours with the HAWK Air Defense System, and tours in Germany, Korea, and Vietnam.

Upon retiring from the Army, Mr. Devanney entered the private sector with Alliant Techsystems, Inc. He held several key positions, including Director of the Warheads and Munitions Business Segment.

For his many accomplishments, Mr. Devanney has received numerous prestigious awards. Most notably, he has received the Presidential Rank Award for Meritorious Executives, the Exceptional Civilian Service Award, the Distinguished Service Medal, the Legion of Merit Award, and the Bronze Star Medal.

Mr. Speaker, on behalf of the people of Alabama's 5th Congressional District, I rise today to express my gratitude to Thomas Devanney for his extraordinary service to our military and our Nation.

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IN HONOR OF JOYCE L. FIGGS,  
PRESIDENT OF THE LADIES  
AUXILIARY OF THE DELAWARE  
VOLUNTEER FIREMEN'S ASSO-  
CIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Joyce Figgs, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA). In addition to logging more than 46 years of service to the Delmar Ladies Auxiliary, Joyce has also served several terms as President of the Delmar chapter.

From 1991-1993, Joyce served as the Ladies Auxiliary President in Wicomico County, Maryland. After a successful term in the Free State, thankfully, Joyce shifted her talents to Delaware and in 1993, was elected President of the Sussex County Ladies Auxiliary.

In 1994, Joyce was inducted into the Del-Mar-Va Hall of Honor, an illustrious and fitting

tribute. However, her service would not stop with this induction. Joyce would serve additional terms as President of the Del-Mar-Va Firemen's Association Ladies Auxiliary from 1996 to 1997 and President in Wicomico County until 2003.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. During her tenure, Joyce has led the Auxiliary in these areas admirably.

In closing Mr. Speaker, I would like to recognize Joyce Figgs for her exceptional career of service and dedication. LADVFA 1st Vice-President Barbara Rossiter and 2nd Vice-President Florence Legates join me in congratulating Joyce on her service as President of the LADVFA.

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TRIBUTE TO MS. ELOUISE  
ASHFORD COLEMAN

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a friend and fellow South Carolinian, Ms. Elouise Ashford Coleman. After 35 years of tireless dedication to the students of South Carolina, Ms. Coleman is celebrating her retirement on Saturday with friends and family.

Ms. Coleman received her early public school education in Fairfield County, graduating from McCrorey-Liston High School in 1966. She then matriculated at Vorhees College, receiving a Bachelors of Arts in Mathematics in 1970. Ms. Coleman began her educational career shortly thereafter. First, as a math teacher at Winstboro High School in Fairfield County, and later, as a math teacher at Columbia High School, in Columbia, South Carolina. She taught at Columbia High for 19 years, during which time she received a Master's degree in Education from the University of South Carolina.

Ms. Coleman left the classroom in 1994 upon accepting the position of Assistant Principal at Columbia High School. It is from this position that Ms. Coleman is retiring after serving as an administrator for 11 years. She will be sorely missed as she begins her well deserved retirement.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Ms. Elouise Ashford Coleman. She has given of her time and talents for 35 years as an educator in my home state. The contributions she has made to her community and to the educational system will leave lasting impressions on the lives she has touched. I wish her continued success and Godspeed.

INDIAN PRIME MINISTER APOLOGIZES TO SIKHS FOR GENOCIDE OF 1984—INDIAN MUST FREE KHALISTAN AND ALL OCCUPIED TERRITORIES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. TOWNS. Mr. Speaker, recently the Prime Minister of India, Manmohan Singh, apologized to the Sikhs for the massacres of Sikhs that took place in November 1984. Over 20,000 Sikhs died in that massacre just in Delhi. Meanwhile, Sikh police officers were locked in their barracks and the state television and radio were encouraging more Sikh bloodshed.

This is a sad chapter in the history of India and it is appropriate that the Government has finally admitted its own culpability and apologized for this atrocity. These kinds of admissions are always welcome. But Prime Minister Singh's apology is 21 years too late and it is only a baby step in the direction of justice. And an apology for the military attack on the Golden Temple in June of that year is still not forthcoming.

Mr. Speaker, there are families of those who died in this massacre who have still never been compensated in any way. We know that no compensation can bring back their loved ones, but at least it can help make their lives better. India must compensate the victims' families if this apology is serious. It must also bring to justice the officials responsible for the massacre. These are necessary steps for the apology to be taken as anything more than mere empty words.

But there is something else that India must do as well. It must make proper restitution to the whole Sikh Nation for this massacre and its many other atrocities against the Sikhs.

How do you pay such a huge debt, Mr. Speaker? How do you pay back an entire nation for atrocities against it? On October 7, 1987, the Sikh Nation declared its independence, declaring the new country of Khalistan. Since then, India has continued to occupy Khalistan. Over half a million Indian troops still carry out this brutal occupation to this day. These troops must be withdrawn and India must recognize the sovereignty of a free and independent Khalistan. That is how it can compensate the Sikh Nation.

Now, Mr. Speaker, the Indian Government maintains that there is no support for Khalistan among the Sikhs in Punjab, despite large marches that have occurred as recently as June demanding Khalistan. In June, 35 Sikhs were charged with a crime. Their offense? They made some speeches and raised the Khalistani flag. To quote my friend Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, "Is asking for freedom a crime in a democracy?"

So if India is democratic and there is no support for Khalistan, then why is the Indian Government afraid to have a vote on the matter? Why not simply have a vote and prove it? It is time for the United States to hold India's feet to the fire on its proclaimed democratic principles. We must stop our aid to India until it respects human rights and ceases activities such as the Delhi massacre, the arrests of activists for raising a flag, and the like. And we

must demand self-determination for the people of Khalistan, Kashmir, Nagaland, and all the suppressed, captive nations of South Asia. In a democracy you cannot rule against the will of the people, and the essence of democracy is the right to self-determination. It is time to press India, the self-proclaimed "world's largest democracy," to do the right thing and let the people have their freedom.

Mr. Speaker, I would like to insert the Council of Khalistan's press release on Prime Minister Singh's apology into the RECORD at this time. Thank you.

WASHINGTON, DC, Sept. 14, 2005.—Indian Prime Minister Manmohan Singh has formally apologized to the Sikh Nation for the genocide against the Sikhs in November 1984 in which over 20,000 Sikhs were killed in Delhi alone while Sikh police were locked in their barracks and Indian radio and television called for more Sikh blood.

"We appreciate the Prime Minister's apology," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "It is more than any other Indian leader has done, but it is too little, too late—21 years too late, in fact." The Council of Khalistan leads the struggle to liberate the Sikh homeland, Khalistan, which declared its independence from India on October 7, 1987. "We need to see if this apology is sincere or just another propaganda ploy by the Indian government." However, he noted that the Indian government's military attack on the Golden Temple, the center and seat of Sikhism, in June 1984 was more important to the Sikh Nation. "Where is the apology for that?" he asked.

"India must pay full and appropriate restitution to the families and bring the officials responsible to justice," Dr. Aulakh said. "But the most appropriate and important restitution that can be made to the Sikh Nation is to withdraw all Indian forces from Khalistan and allow it to enjoy its independence," he said. "Only then can the Sikh Nation live in peace, dignity, and freedom, secure in the knowledge that these kinds of incidents will not happen again," he said. "If India and Prime Minister Singh truly believe in freedom and democracy, they have a moral obligation to withdraw from Khalistan and all the nations they occupy, such as Kashmir, Nagaland, and others," he said.

Professor Darshan Singh, a former Jathedar of the Akal Takht, has said, "If a Sikh is not a Khalistani, he is not a Sikh." The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Bodos, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial.

"The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," Dr. Aulakh said. "Last year, Punjab Chief Minister Amarinder Singh signed a bill cancelling the agreements that allowed the diversion of Punjabi water to non-riparian states. The bill asserted the sovereignty of Punjab. Sardar Atinder Pal Singh, another former Member of Parliament, held a seminar on Khalistan in Punjab. It was well attended and featured outstanding presentations, including one by Professor Gurtej Singh, IAS, Professor of Sikhism," he said. "There have been several marches through Punjab demanding the establishment of an independent Khalistan. India is on the verge of disintegration," he said.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Dr. Aulakh demanded that India release all the people arrested for hoisting the flag and drop all charges against all these individuals. "Is it a crime to demand freedom in a democracy?," he asked. "Is this the freedom of speech that is guaranteed under India's constitution?"

History shows that multinational states such as India are doomed to failure. The collapse of countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It has never been a single nation. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilingual state that is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," Forbes wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering, and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did.

"We must continue to pray for and work for our God-given birthright of freedom," Dr. Aulakh said. "While this apology is a small first step, only a free Khalistan will satisfy the Sikh Nation," he said. "We must continue to work until this goal is achieved."

IN MEMORY OF RYAN BRANDT  
YOUNG

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to remember former Navy SEAL Ryan Brandt Young, a 32-year-old native of Halfway, MD, for serving our country in Iraq.

Young was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7, when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Young was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was courageous, thoughtful and a true American. Today, I would like to recognize and celebrate his life. He made up his mind when he was only 14 that he would someday be a Navy SEAL, and he certainly achieved that goal. Eight of Young's 13 years in the Navy were spent as a SEAL.

His mother talked to him just 10 days before the bombing, and she described him as very happy, very up, and I think we could learn a great deal from him. It was my honor to have

met Ryan Brandt Young. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

STATEMENT TO COMMITTEE ON  
GOVERNMENT REFORM

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I submitted the following statement during a hearing in the Committee on Government Reform entitled, "Back to the Drawing Board: A First Look at Lessons Learned from Katrina":

Good morning. Thank you, Chairman Davis, for agreeing last week to hold hearings in this Committee on what went wrong with the government response to Hurricane Katrina. This Committee is the most important venue within the House of Representatives for federal government oversight and I am grateful for your leadership. Interestingly, this first hearing will not focus on Hurricane Katrina and the disaster in New Orleans and the surrounding area, but will focus on 3 other cities that are vulnerable to a natural disaster or terrorist attack: Los Angeles, Miami and Washington, D.C. Further, the hearing is intended to examine the local response to crisis, rather than the federal response, to determine how prepared we are to handle another disaster.

Local, state and federal government all play key roles in handling a disaster and disaster relief, but let's face it: the federal government has the largest resources and should have the greatest ability to deal with a serious disaster in our nation. The first lesson we have learned from Katrina is that this proved not to be the case. The federal government was slow to act and the disaster was far too great for city and state government to handle alone.

The second lesson we have learned from Katrina is that we have not learned the lesson from the Iraq war regarding Halliburton. Halliburton overcharged the government at the taxpayer's expense during the Iraq war. Days after Katrina struck, Halliburton was one of the earliest companies awarded no-bid contracts, to repair 3 different Navy facilities in Mississippi. The flawed contracting procedures of the Iraq war are rearing their ugly head in the recovery of Hurricane Katrina. Congress has already appropriated \$62 billion so far and more is surely to come. Yet the contracts awarded have been cost-plus and no bid contracts, lacking oversight and transparency.

There is an infinite number of issues on the federal level that seriously need to be explored. Why aren't more steps being taken to hire local displaced workers to rebuild their towns and cities? How has the merger of FEMA into the Department of Homeland Security played a role in FEMA's ability as an agency? Why didn't FEMA's Hurricane Pam study—contracted out to IEA to investigate what would happen if a hurricane hit the gulf coast—better prepare the federal response to the Katrina disaster?

As Chairman Davis indicated, however, we'll get into more of these federal issues at future hearings.

A very important local issue that should be considered today is the morality of establishing a mandatory evacuation when there are people who lack the ability to evacuate. We saw this in New Orleans with Hurricane

Katrina. Everyone was forced to evacuate, but not everyone could. There were people in hospitals and nursing homes and people too poor and without cars that were simply left behind. How were these people supposed to leave? How might there have been better emergency plans in place to facilitate the evacuation of these citizens? In one reported story, a dead body was left to decay for over 2 weeks in the Algiers neighborhood of New Orleans, despite swarms of local police, Louisiana state troopers and the Army. Residents believed that law enforcement officials left the body there purposely to encourage the residents to evacuate. If their belief is true, such a practice is truly shameful and must be addressed.

Another issue related to local government observed in New Orleans with the enforced racism that occurred through the application of two standards of justice by law enforcement officials. Local law enforcement reportedly allowed white armed vigilantes to ride throughout the city but would not allow the same for black residents. According to Malik Rahim, a community organizer who recently ran for city council in New Orleans. "If a white person was taking something, he was taking food for his family. But if a black was taking something, he was looting." Rahim further described how the white vigilantes were shooting blacks in his neighborhood under the guise that they were protecting his neighborhood, and were even bragging about it. He said he never before seen New Orleans come so close to breaking into a race riot.

If a race riot had broken out in New Orleans the crisis situation there would have become far more disastrous. How can local governments ensure that one standard of justice is applied equally in times of disaster?

I hope this hearing will address the many concerns raised and what changes are necessary in the local planning for disasters in other large cities. Moreover, I look forward to the series of hearings that this Committee intends to hold that will specifically look at the federal response to Hurricane Katrina.

IN LASTING MEMORY OF MAYOR  
PAUL B. CHOATE

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to honor of the life and legacy of Mayor Paul B. Choate, who passed away at the age of 71 on August 5, 2005. Mayor Choate was born on May 28, 1934 in Lonoke, Arkansas.

Mayor Choate graduated in 1957 from the State Teacher's College and taught school in Paris, Arkansas. He was also a retired biologist with the Arkansas Game and Fish Commission. In 1967, Mayor Choate moved to Hempstead County and distinguished himself as the first juvenile judge and helped to establish Medical Park Hospital in Hope where he served as a Hempstead County Memorial Hospital Board member.

Mayor Choate was an economic ambassador for the small town of Blevins. As Mayor, he updated the city's sewer system, helped to bring industry to the city, and acquired one of only four generators obtainable from the state for Blevins during the horrific ice storm of 2000 that paralyzed much of Arkansas.

Perhaps what drove Mayor Choate the most was preaching the gospel of Jesus Christ. In

Blevins, he was a founding minister of the World of Faith Church and a pastor at the Marlbrook Baptist Church for 7 years.

Mayor Choate truly led an exemplary life and will forever be remembered for his dedication to his family, his community, and the church. My deepest sympathies go out to his wife, Pamela D. Young Choate, their four sons, David, Roy, Timothy, and Andrew, his brothers, William King and Lee King, his sister, Julia, his eight grandchildren and ten great grandchildren.

TRIBUTE TO MAJOR GENERAL  
JOHN W. HOLLY

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding career and contributions of Major General John W. Holly. General Holly is retiring from his position as Deputy Director of the Missile Defense Agency, the Program Executive Officer for Ballistic Missile Defense System, and the Director of the Joint National Integration Center.

Prior to assuming his current position, General Holly was the Program Director of the Missile Defense Agency's Ground-based Mid-course Defense (GMD) Joint Program Office.

General Holly was an integral part in the development, construction, initial testing, and deployment of the nation's GMD system, which gives our nation new and advanced capabilities to defend itself against long-range ballistic missile attacks.

Mr. Speaker, I would like to thank General Holly for his work developing our nation's defense capabilities against incoming missile threats. I strongly believe that his efforts have significantly contributed to the defense of our nation.

During General Holly's time in Huntsville, I enjoyed working with him as he led the development of the Ground-Based Missile Defense system. I know his leadership and dedication will be sorely missed.

Mr. Speaker, on behalf of everyone in North Alabama, I rise to express my gratitude to Major General John W. Holly for his many years of service in our nation's military.

IN HONOR OF RAY STEVENS,  
PRESIDENT OF THE DELAWARE  
VOLUNTEER FIREMEN'S ASSO-  
CIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ray Stevens, the outgoing President of the Delaware Volunteer Firemen's Association (DVFA). During his tenure, Ray has served with distinction in a variety of positions within Delaware's Fire Service.

Originally joining the Selbyville, Delaware Volunteer Fire Company in July of 1967, Ray remains an active member to this day. From 1968 through 1971, Ray served as the 1st and

2nd Assistant Chief of the Selbyville Delaware Volunteer Fire Company. In 1972, he served as the Chief of the Selbyville Fire Company, a post he would hold again from 1996–1997.

In his 38 years, Ray has served the Selbyville Fire Company in a variety of other positions, including work as Assistant Treasurer, a 32-year stint as an Engineer, and his current work as both a human resources officer and a safety officer. After serving as President of the Selbyville Fire Company, Ray moved to the Sussex County Volunteer Firemen's Association, where he would serve as President from 1999–2000.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. Over the past year, Ray has exemplified these qualities and effectively led the DVFA. For his hard work, both the State of Delaware and the United States of America are indebted to him.

Mr. Speaker, in closing, I would like to congratulate Mr. Stevens on his exceptional career of service and dedication. DVFA 1st Vice-President and incoming President Ken Pyle and 2nd Vice-President Alan Robinson join me in congratulating Ray on his service as President of the DVFA.

IN HONOR AND REMEMBRANCE OF  
FATHER JOHN C. DALTON

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Church of Cleveland, Ohio, whose love, kindness and faithful service to the people of Cleveland will be remembered always.

Pastor Dalton entered St. Mary's Seminary in 1943 and was ordained into the priesthood in 1948. For sixty-five years, Pastor Dalton served the people of our community, young and old. He baptized more than 2,000 parishioners and united 545 couples in marriage. At Holy Name parish, Pastor Dalton tended to the spiritual and humanitarian needs of the parishioners, and extended his assistance out into the community.

Pastor Dalton's vision and focus on uplifting his community manifested itself along Broadway Avenue and beyond, where he led efforts to improve Holy Name church and school, and even helped out in the construction of new ball fields. His compassion, patience and love for others reflected throughout his life of service, from tenure as teacher, to his position as Associate Director of Services for the Deaf; to his neighborhood activism and work as a counselor within self-help groups. Even following his retirement, Pastor Dalton continued his life-long mission of regular visits to hospitals and the homebound, offering comfort and support to our most vulnerable citizens.

Mr. Speaker and Colleagues, please join us in tribute and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Parish of Cleveland. Pastor Dalton's steadfast service to others, framed by compassion, understanding, and a warm smile, offered healing, hope and faith to all of us. I extend my deepest condolences to the family of Pastor Dalton,

to the parishioners of Holy Name Church, and to the entire Broadway Avenue community. Pastor Dalton will be deeply missed by everyone who knew and loved him well, yet his light and love will always serve as a guiding force throughout our community and will radiate forever along Broadway Avenue and far beyond.

IN LASTING MEMORY OF ROBERT  
COMPTON

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of Robert "Bob" Compton of El Dorado, Arkansas. Mr. Compton passed away on Saturday, August 6th at the age of 76.

A graduate of Hendrix College in 1949 and the University of Arkansas Law School in 1952, Mr. Compton was an agent with the Federal Bureau of Investigation and in 1970 ran for the Democratic nomination for Governor of Arkansas. Additionally, Mr. Compton was a Special Associate Justice and Special Chief Justice of the Arkansas Supreme Court and served as Special Chairman of the Arkansas Public Service Commission.

A member of the Arkansas Bar Association and President from 1975–1976, Mr. Compton distinguished himself among his colleagues as an outstanding attorney. This is further evidenced by his receipt of the Arkansas Outstanding Lawyer Award in 1988, a classroom dedicated in his name at the University of Arkansas School of Law in May 2004, and the Arkansas Bar Foundation Award for Excellence in June 2004.

Mr. Compton was a respected attorney and was dedicated to his family, community and state. Bob was a good friend who inspired me through his wise counsel, deeds and actions, just as he has so many others over the years. Bob leaves the City of El Dorado and the State of Arkansas a better place because of his many contributions.

Bob Compton truly led an exemplary life and developed a profound respect for our legal system. My deepest sympathies go out to his wife, Margaret Compton, their sons, Robert C. Compton, Jr. and Walter Knox Compton, their daughter, Cathleen Compton, and their grandchildren, Maggie, Whitley, Jackson, and Tyler.

TRIBUTE TO AMY SURGINER  
LIGON NORTHPROP

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Amy Surginer Ligon Northrop on the occasion of her 100th birthday. Born September 28, 1905 in Dixiana, South Carolina, Mrs. Northrop became a successful entrepreneur, owning several businesses, including a thriving beauty shop and a laundromat in Columbia, South Carolina.

Mrs. Northrop, a pioneer among African American businesswomen, attended grade

school in Dixiana and St. Ann Episcopal School in Cayce, South Carolina. She received her bachelor's degree from Allen University in Columbia, South Carolina, where she later established a scholarship named after her and her late husband, John. With a boundless thirst for knowledge, she furthered her education at Tennessee State University, South Carolina State University, Almanella School of Beauty Culture, and the Manhattan Trade School in New York.

Broadening her knowledge of life and mankind through travel, Mrs. Northrop was at various times, a resident of Pennsylvania, New Jersey, and New York. With her foresight and vision, she opened a beauty shop in Brooklyn, New York. She relocated to South Carolina in 1935 and opened Amy's Beauty Shop. In 1936, she became a member of the South Carolina State Cosmetology Association and the first clinic for the association was held at her business. When the Columbia Citywide Cosmetology Association was organized in 1938, Mrs. Northrop became one of the charter members.

In 1941, she successfully negotiated affiliation with the National Beauty Culturists League for the Columbia association. She became a state organizer at a national beauticians' convention and organized beauticians throughout the State. Her interest in cosmetology led to extensive travel throughout the United States, Canada, and Mexico.

Mrs. Northrop has received numerous certificates and awards for her outstanding contributions to the field of cosmetology. In 1945, she received the great honor of being the first African American state inspector of beauty shops in South Carolina. A tireless civic leader, Mrs. Northrop founded Gamma Epsilon, a chapter of the Alpha Chi Pi Mega Sorority, whose first members were beauticians from Charleston, Sumter, Kingstree, and Myrtle Beach, South Carolina.

As an entrepreneur, she was successful in securing the purchase of property on Clark Street in Columbia as a headquarters for the city's beauticians' association. She later helped to secure the land on Fontaine Road where the State Cosmetology Headquarters, the Margarette H. Miller Cosmetology Center, now stands.

Mrs. Northrop is a life member of Mt. Pisgah African Methodist Episcopal Church in Dixiana, South Carolina, where she organized the Youth Church, the Pull Together Club, the National Council of Negro Women, and the NAACP. In 1997, she relocated to the Washington, DC area to live with her niece and nephew, Rose and Edgar Crook, and worships with them at Shiloh Baptist Church. She continues to maintain strong ties to South Carolina, however, and visits as often as she can.

Mr. Speaker, I ask that you and my colleagues join me in saluting Mrs. Amy Surginer Ligon, one of South Carolina's and America's finest citizens, as she celebrates her 100th birthday.

COUNCIL OF KHALISTAN CONVENTION TO BE HELD OCTOBER 7 TO 9 IN DETROIT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. TOWNS. Mr. Speaker, the Council of Khalistan will be holding its annual convention in Detroit next month. It will be held from October 7 through October 9. This is a very appropriate date because Khalistan declared its independence from India on October 7, 1987 and the Council of Khalistan was formed at that time to lead the struggle to liberate Khalistan, a struggle that continues to this day, 18 years later.

It is outrageous that this struggle has had to go on so long, but the Council of Khalistan has been tireless in keeping it going and keeping the flame of freedom for the Sikh nation burning. I salute them on their convention and I wish them success both with their convention and with their efforts to bring freedom to the Sikh people.

It is time for India to get out of Khalistan and allow the people there to live in freedom. Until then, Mr. Speaker, we should stop our aid and trade with India and demand self-determination for the people of Khalistan, for the Kashmiris, as India promised in 1948, for the people of Nagaland, and for all the people and nations of South Asia. That is the only way to bring peace and stability to that troubled region.

IN MEMORY OF RONALD HYATT

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to remember former Marine Ronald Hyatt, of Calera, Alabama for serving our country in Iraq.

Hyatt was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7th when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Hyatt was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was courageous, thoughtful and a true American. Today, I would like to recognize and celebrate his life.

He will be remembered as a family man, a former Marine, a reserve, and to those who knew him, just one of those guys you never forget. Please keep his wife, Robin, and their four small children in your thoughts.

It was my honor to have met Ronald Hyatt. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

IN HONOR AND REMEMBRANCE OF JUDGE ANDREW BOYKO

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Andrew Boyko, dedicated husband, father and grandfather, friend and mentor, and WWII Navy Veteran. Judge Boyko's professional career as Municipal Judge, law director and assistant prosecutor in the City of Parma, reflects a legacy of grace and excellence that extended from the courtroom to the community.

Judge Boyko's unwavering work ethic and sense of service to others characterized who he was and how he lived his life. He grew up in Cleveland, graduated from West Tech High School in 1941, and served as a Navy Corpsman during WWII. After the war, he graduated from John Carroll University and in 1955, Judge Boyko earned a law degree from Cleveland-Marshall College of Law.

In the early 1960's, he settled in Parma with his family, where he served as an assistant prosecutor until 1963, when he was elected to the post of law director. Judge Boyko's political ingenuity shone through when he orchestrated a bid for the post of law director for the City of Parma through a write-in campaign, successfully clinching the Democratic Party's nomination. He served as law director until 1987, when he was appointed to the municipal bench, where he served until his retirement in 1993. Although his professional achievements were significant, family and community were a consistent priority in Judge Boyko's life. He was an active member of numerous civic organizations, including the Elks Club, American Legion Post 572, Municipal Judges Association and the Citizens League, and he served on the Board of the Parma Savings Association. Judge Boyko embraced his heritage through his involvement at St. Andrew Ukrainian Catholic Church, where he headed the Ukrainian Youth League.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Judge Andrew Boyko. His commitment to his family and to his community defined his life, and he will be greatly missed by those who knew and loved him well. I extend my deepest condolences to his wife of 55 years, Eve; to his sons, Chris, Tim, Greg and Jeff; to his ten grandchildren; to his brothers, Michael and Nicholas; and to his extended family members and many friends. Judge Boyko's life was lived with joy, energy and in service to others. His unyielding integrity and faith in our legal system will continue on as a guiding force of truth, fairness and justice for all.

A TRIBUTE TO THE CAREER OF JUDGE EDWARD THOMAS SMITHERMAN, JR.

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to recognize the contributions of Judge Edward Thomas Smitherman, Jr. to Hot Springs, Ar-

kansas and congratulate him on his retirement.

For more than 16 years, Judge Smitherman served on the bench of the 18th Judicial Circuit-East, both as a circuit and chancery judge. He served with distinction as the circuit's first administrative judge, a member of the Ad Hoc Committee on Uniform Reporting of Case Information, and as chairman of the Board of Certified Court Reporter Examiners. Judge Smitherman has also given back to the Hot Springs community by serving on several civic boards including the Hot Springs Optimist Club, the Area Council of Aging, the Boys Club, the Salvation Army and the Hot Springs School Board.

I wish Judge Smitherman the best of luck and success in future endeavors and safe travels in his retirement.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2005*

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 3132, the Children's Safety Act of 2005. I can think of few offenses more horrifying than sexually assaulting or abusing a child. Children are among our society's most vulnerable and it's up to us, the adults, to protect them.

We have all heard the tragic stories about young children being kidnaped, assaulted, and too often murdered by sexual offenders who in some cases have been living in the same neighborhoods as these kids. Tragically, many of these offenders have committed multiple crimes against children. According to the National Center for Missing and Exploited Children, more than 500,000 sex offenders are registered in the United States and as many as 100,000 sex offenders cannot be located by law enforcement. Statistics from the Bureau of Justice show that child molesters who are released from prison are more likely to be rearrested for child molestation than other sex and non-sex offenders. Approximately 3.3 percent of 4,300 released child molesters in 1994 were rearrested for another sex crime against a child within 3 years. For those who had more than one prior arrest for child molestation, 7.3 percent were likely to be rearrested for the same crime. And 24 percent of released offenders were reconvicted for a new offense, encompassing all types of crimes.

The legislation before us today would accomplish several critical objectives including requiring sex offenders to register more often and for longer periods of time, providing the public with access to more information on sex offenders, creating new penalties, and requiring DNA to be used to identify and prosecute sex offenders. However, I do share the concerns expressed by some of my colleagues regarding the limitations contained in the bill regarding the review of habeas corpus petitions by Federal courts.

I would like to thank Ranking Member CONYERS for offering an amendment today that is based on legislation that I have introduced, H.R. 1193, the "Hate Crime Statistics Improvement Act," which would require the Attorney General to collect data about gender-

based hate crimes. With accurate data, local communities can identify gender-based hate crimes in their area and chart their progress toward eliminating them. Moreover, the inclusion of gender will send a strong message that gender-based hate crimes will not be tolerated. It is my understanding that Chairman SENSENBRENNER will accept this amendment, and I thank him as well.

We must be diligent in our efforts to protect children from those individuals who would steal their innocence, or worse, take their lives. I am hopeful that this legislation will enhance the efforts already in place so that parents and communities can take the necessary steps to ensure that their children will be safe.

IN HONOR AND REMEMBRANCE OF  
ROBERT L. LEWIS, FOUNDER OF  
CUYAHOGA COMMUNITY COLLEGE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Robert L. Lewis, beloved husband, father, friend and United States Veteran. Mr. Lewis leaves behind a brilliant legacy that reflects his personal passions and professional accomplishments as admired attorney, educator, author and long-time activist on behalf of the performing arts and educational opportunity for all.

Mr. Lewis was born and raised in New York. As a young boy, he performed song, dance and comedy routines with his family on the vaudeville circuit. His formal education in public school did not begin until age 12. Extremely bright, Mr. Lewis quickly ascended through the grade levels. He graduated from high school at age 15 and enrolled in college at age 16. Following his service in the army in Europe during World War II, Mr. Lewis studied law at Western Reserve University in Cleveland and graduated in 1948 with a law degree.

Mr. Lewis joined the law firm of Ulmer, Berne, Laronge, Glickman and Curtis and retired in 1996 after 46 years of outstanding work with the firm. He worked as a professor at Case Western Reserve University's Mandel Center for Nonprofit Organizations, and also taught corporate and contract law courses at what was then Cleveland Marshall Law School.

Throughout his adult life, Mr. Lewis maintained an unwavering focus on raising the lives of others into the light of possibility and achievement. He volunteered his time as past president of the Association of Governing Boards of Colleges and Universities; board member with PACE (Program for Action by Citizens in Education), and served on the board of the Fairmount Center for the Creative and Performing Arts.

His passion and belief that higher education should be affordable for everyone manifested itself in 1963 with the establishment of Cuyahoga Community College (CCC), an institution that continues to be a significant source of educational and career opportunities for thousands of students each year. Mr. Lewis served on the CCC Board of Trustees for 18 years and Chairman of the Board for 4 years. He also served as CCC's "resident scholar," and

taught courses in Greek mythology and drama.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Mr. Robert L. Lewis, whose life was defined by his steadfast commitment to his family, his significant contribution to our community and his boundless energy in promoting the performing arts and securing educational opportunities for everyone. I offer my condolences to his wife of 42 years, Joanne; his daughters, Pavia and Clea; his sons, Paul, David and Brian; his nine grandchildren and his extended family members and many friends.

The kindness, vision, energy and personal and professional excellence that flowed from the gracious life of Mr. Lewis will continue to serve as a fountain of learning and strength for the students and educators at Cuyahoga Community College, and his legacy will continue to raise our entire community into the light of hope, possibility and opportunity for all.

RETIREMENT OF VICTOR A.  
MODEER

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. COSTELLO. Mr. Speaker, I rise today to recognize and honor Vic Modeer upon his retirement from the Illinois Department of Transportation, IDOT. For the past 20 years, Vic Modeer has served with utmost distinction at the IDOT.

After graduating from the Louisiana State University and receiving a masters in civil engineering from Purdue University, Vic worked in the private sector for a contractor and consultants prior to his employment at IDOT. Once at IDOT, he worked his way up from various positions within the Division of Highways to eventually become the director of Highways and chief engineer. IDOT's Division of Highways is a vast organization with over 5,000 employees, a \$490 million operating budget, and a \$4.5 billion construction budget.

While serving as the district engineer and as director of Highways, Vic was instrumental in overseeing many important highway projects in my congressional district and across the entire State of Illinois. As director of Highways, he helped lead IDOT to be the first State department of transportation in the Nation to meet and become certified under the process and quality management standards of the International Organization of Standardization, ISO 9001:2000. This is indicative of the dedication Vic and his staff have shown for professionalism, product quality, public accountability, and customer satisfaction.

Vic met the challenges of budget constraints and significant staff reductions during his tenure as director with a typical can-do attitude. He reorganized the division, improved communications, engineered process efficiencies to make up for lost work force, and employed innovative management and training methods to maintain productivity and continue delivering the highway program as promised, with no reduction in service, despite the loss of nearly 20 percent of his staff to early retirement and other attrition between 2002 and 2005.

Mr. Modeer's participation in numerous professional organizations, including the AASHTO

Standing Committee on Highways and the Task Force with Transportation Security, his service as a Navy veteran from Desert Storm serving in Saudi Arabia with the Seabees as an officer in the U.S. Navy Civil Engineer Corps, his long list of publicized articles regarding geotechnical engineering as well as teaching numerous engineering classes at Louisiana State University and Southern Illinois University at Edwardsville exemplify the strength of his leadership.

Mr. Speaker, I know my colleagues join me in offering congratulations and gratitude for his long and successful career at the IDOT. Vic Modeer's meritorious service to Illinois and to our country will have a lasting legacy not only in steel and concrete, but his true legacy will be with the people who served with him and the lives he has helped and touched. I wish him well and hope he continues to achieve happiness, health and success in his future endeavors.

IN LASTING MEMORY OF JOHN H.  
JOHNSON

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the life and legacy of John H. Johnson. Born in 1918 in Arkansas City, AR, Mr. Johnson passed away on August 8 at the age of 87. Mr. Johnson has set an example for us all by being both an entrepreneur and a philanthropist. I would like to recognize Mr. Johnson's lifetime of contributions to Arkansas and our Nation.

Mr. Johnson began his distinguished career in 1942 as editor and publisher of Negro Digest. Just 3 years later, he began publishing Ebony Magazine, one of the most influential African-American magazines in the world, with a \$500 loan. Mr. Johnson later became the founder, publisher, and chairman of Johnson Publishing Company, the world's largest African-American owned publishing company.

In 1982, Mr. Johnson was the first African-American to be named on the Forbes list of the 400 wealthiest Americans. Mr. Johnson's long list of awards and achievements include: the Black Journalists' Lifetime Achievement Award in 1987, the Wall Street Journal/Dow Jones Entrepreneurial Excellence Award in 1993, the Presidential Medal of Freedom in 1996—the highest honor this Nation gives to a citizen, the Arkansas Business Hall of Fame Award in 2001, the Vanguard Award in 2002, and the Trumpet Award in 2002.

Arkansas City and the University of Arkansas at Pine Bluff have worked together to create the John H. Johnson Cultural and Education Museum. On May 21 of this year, this museum was dedicated in Desha County, AR. The museum captures Mr. Johnson's life by restoring his boyhood home and includes period memorabilia, printed material, and video chronicles. I know it was a tremendous honor for Mr. Johnson to return to his home and see the great tribute dedicated in his honor.

I am deeply saddened by Mr. Johnson's death. His dedication, entrepreneurial spirit, and legacy will continue in Arkansas for the years and decades ahead. My heartfelt condolences go to his wife, Eunice, and their daughter, Linda Johnson Rice, and their granddaughter, Alexa Rice.

IN HONOR OF STANLEY M. FISHER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Stanley M. Fisher, devoted family man, accomplished attorney, friend and mentor to many, and first-ever recipient of the Lifetime Achievement Award, bestowed upon him by the Northern District of Ohio Chapter of the Federal Bar Association. This premier mark of excellence reflects Mr. Fisher's multifaceted service in the legal profession, service framed by achievement, integrity and heart.

After graduating from Oberlin College and the University of Michigan Law School, Mr. Fisher worked as a clerk for the 6th Circuit with Chief Judge Charles Simon and later for Justice Potter Stewart, before Justice Stewart was appointed to the U.S. Supreme Court. Equipped with unwavering commitment, steadfast integrity and expertise, Mr. Fisher's work serves as a source of knowledge, strength and advocacy throughout all levels of the justice system. His significant service within the Federal Bar Association, FBA, extends from his role as past President of the Northern District of Ohio, lifetime member of the FBA Board of Directors, and most notably, the first Ohioan to serve as National President of the FBA.

In 1983, Mr. Fisher was appointed as an Ohio Commissioner with the National Conference of Commissioners on Uniform State Laws by then Governor, Richard Celeste. He was reappointed by Ohio Governors Voinovich and Taft. Mr. Fisher's talent and conviction have impacted cases from Ohio to our Nation's Capitol. President Clinton appointed Mr. Fisher to the Federal Service Impasse Panel in 1992. For 10 years, he handled mediation and arbitration cases, directing each grievance from preparation to resolution. Mr. Fisher continues his work as a local and national mediator and is currently serving his second term as a member of the American Arbitration Association Advisory Council.

Mr. Speaker and colleagues, please join me in honor and recognition of Stanley M. Fisher, for his outstanding and continued excellence as attorney, guide and leader within the legal profession. His unwavering focus on the balanced scales of justice serves to protect legal equity throughout our American system of justice, from Cleveland, to Washington, DC and beyond.

IN LASTING MEMORY OF  
REPRESENTATIVE NAP MURPHY**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of a great Arkansan and a devoted public servant, State Representative "Nap" Napoleon Bonaparte Murphy. Representative Murphy passed away on August 23rd at the age of 83. He worked for nearly 50 years as the owner of a successful car dealership in Hamburg, Arkansas, but is better re-

membered for his colorful personality and career dedicated to helping the people in his community from the Arkansas State Legislature.

Representative Murphy was born on September 26, 1921, in Crossett, Arkansas. After moving to Hamburg in 1948, he bought the Main Street Esso Station and just 4 years later, he purchased the local Ford Dealership. Representative Murphy was elected to the Arkansas House of Representatives in 1959, serving just one term before returning to Hamburg to run his business, and was re-elected in 1963 where he served until his retirement in 1995. Representative Murphy served as the distinguished Chairman of the House Agriculture and Economic Development Committee.

I had the pleasure of knowing Representative Murphy when I served in the Arkansas State Senate. He was a dynamic character who would begin and end every legislative session wearing his white suit and black bowtie. He had a great love for bluegrass music and enjoyed playing the banjo, mandolin, guitar, and fiddle.

Arkansas will certainly miss this great politician from humble beginnings and I will miss his sense of humor and dedication to our state. My condolences go out to Nap's son, Jimmy, his daughter, Ila Murphy Campbell, his eight grandchildren and two great-grandchildren.

FREEDOM FOR OSCAR MARIO  
GONZÁLEZ**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Oscar Mario González, a political prisoner in totalitarian Cuba.

Mr. González is an independent journalist and pro-democracy activist in totalitarian Cuba. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, the dictatorship forcefully represses those who bravely support freedom and rise in resistance to the despotic regime.

According to Reporters Without Borders, on March 24, 2005, Mr. González was summoned and questioned by regime agents, who threatened that he would not be able to see his family again if he continued practicing as an independent journalist. Despite these gangster tactics and heinous threats, Mr. González continued to demand basic human rights for the people of Cuba.

As part of the tyrant's heinous July 2005 crackdown on peaceful pro-democracy opponents, on July 22, Mr. González was arrested as he tried to participate in a peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. As part of this vicious crackdown, approximately 33 brave opponents were arrested at home, on their way to the demonstration or on the sidelines of the gathering.

According to CubaNet, Mr. González has been charged with violating Law 88. This is the same sham law that the tyrannical regime

used to wrongly convict many of the pro-democracy activists arrested in March 2003.

Mr. González is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and democracy are the inalienable right of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. González, who represent the best of the Cuban nation.

Mr. Speaker, let me be very clear, Mr. González is languishing in the grotesque squalor of the gulag because he desires freedom for all Cubans. My Colleagues, we must demand the immediate and unconditional release of Oscar Mario González and every political prisoner in totalitarian Cuba.

WELCOMING TAIWAN'S PRESIDENT  
CHEN**HON. SHERROD BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BROWN of Ohio. Mr. Speaker, the president of Taiwan, Chen Shui-bian, will be making a stop in Miami en route to Central America later this month. He will stop overnight in San Francisco on his return to Taiwan.

I am sorry that he won't be stopping in Washington, DC. Many of my colleagues and I hope that in the future he and other Taiwanese leaders will be able to visit our capital.

President Chen has been in office for more than 5 years. During his tenure as president, he has been able to unite Taiwan, stabilize cross-strait relations, seek social harmony and reinvigorate the economy.

To maintain cross-strait peace and stability, he reacted calmly to China's enactment of its provocative antiseccession law last March.

Under his presidency, Taiwan's global competitiveness increased and the nation now ranks as one of the world's top economies.

On the international front, President Chen made several state visits to diplomatic allies. In April he went to the Vatican City to pay final respects to the late Pope John Paul II. During his brief stopovers in Miami and San Francisco this September, I hope my colleagues will take the time to visit with President Chen. President Chen is the leader of a young but prosperous democracy, and our mutual love of freedom can only be strengthened by these visits.

Taiwan is one of America's most important allies. Taiwan is also our trading partner and friend. Whenever America has need, Taiwan is there. They have contributed to the Twin Towers Fund, the Pentagon Memorial Fund and most recently, Taiwan gave two million dollars to help victims of Hurricane Katrina.

Mr. Speaker, we must also remember Taiwan's unique role in maintaining peace and stability in the Asian Pacific region. To have permanent peace in the region, the United States should urge Taiwan and China to resume peaceful dialogue and exchanges.

We should also encourage Taiwan's participation in the World Health Organization and the United Nations. Taiwan is a vibrant democracy, and I hope the entire world will recognize its people's love of freedom.

I hope all Members of Congress will join me in welcoming President Chen as he transits through the United States.

IN HONOR AND RECOGNITION OF  
DENNIS MORTON

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dennis Morton, committed public servant, Vietnam War Veteran, and friend and mentor to many, upon the occasion of his retirement, following 32 years of dedicated service within the U.S. Department of Housing and Urban Development. Mr. Morton's tenure at HUD reflects vision, ingenuity, endless energy and strong leadership, all focused on ensuring the availability of quality housing for the most vulnerable individuals of our society—our struggling and our poor.

Mr. Morton's service at HUD began in 1977, when he was hired as a Realty Specialist in the Housing Management Division. Mr. Morton concentrated his efforts on all phases of acquisition, purchase and restoration of multifamily properties. As they have for decades, these properties exist as a basic yet vital need for thousands of residents in Cleveland and beyond—a dignified and safe place to call home.

Even though HUD has reorganized several times since its inception, Mr. Morton's unwavering focus on transforming bankrupt multifamily properties into vibrant structures, has provided quality housing for thousands of citizens of all ages, from young families to the elderly. From Realty Specialist, to Public Trust Officer, to Director of the Federal Housing Authority Multifamily Program Center Office in Cleveland, Mr. Morton directed the acquisition and rehabilitation of numerous public and senior housing units, including Longwood Apartments, Reserve Square and the award-winning Arbor Park Village.

Mr. Speaker and Colleagues, please join me in honor and recognition of Dennis Morton, whose dedicated work as a HUD administrator has provided a safe home for the most vulnerable residents of our community. Mr. Morton's legacy at HUD will continue to serve as a brilliant example for all those who will follow in his path. His vital contribution continues to offer shelter, dignity, and for many, the necessary support for their journey toward personal independence.

CONGRATULATING PHILLIP'S  
FLOWERS AND GIFTS ON BEING  
NAMED 2005 "RETAILER OF THE  
YEAR" BY THE ILLINOIS RETAIL  
MERCHANTS ASSOCIATION  
(IRMA)

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate my friends at Phillip's Flowers in Westmont, Illinois. On September 21, the Illinois Retail Merchants Association, IRMA will

honor Phillip's Flowers as the 2005 "Retailer of the Year" for its commitment to quality, customer service, and floral industry improvement.

Phillip's Flowers deserves to be recognized and honored in this way for its many accomplishments. In the 82 years since James and Helen Phillip started Phillip's Flowers, it has grown to become a Chicago area institution. Since 1923, the founders and their offspring have grown and improved the business to the point where it now ranks among the top 20 florists in the country in terms of delivery volume. In the 1980's, Phillip's helped launch a cooperative delivery program to expand the business's service reach throughout the region and nation. And its service on the American Floral Endowment Board and the Society of American Florists has helped shape the floral industry as a whole. These accomplishments alone are worthy of this high honor.

Mr. Speaker, when the late Pope John Paul II visited Chicago in 1979, Phillip's Flowers was selected to supply more than 17,000 chrysanthemums for the occasion. When Chicago Magazine ran its 2002 Readers Choice Awards, Phillip's Flowers was chosen as "Chicago's favorite florist." And when IRMA in 2001 selected the top Retailers of the 20th Century, Phillip's was honored among them. These honors and superlatives are reserved for only the finest businesses, and Phillip's Flowers has clearly deserved them.

But perhaps most important of all, Phillip's has provided beautiful flowers for many of my constituents' most important moments in life—weddings, bar and bat mitzvahs, and special birthdays and anniversaries.

I congratulate Phillip's Flowers on receiving the "Retailer of the Year" award, and I wish the people of Phillip's the very best wishes for continued success in the years to come.

IN RECOGNITION OF 100 YEARS OF  
CATHOLIC SECONDARY SCHOOLS  
IN GRAND RAPIDS, MICHIGAN

**HON. VERNON J. EHLERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the Catholic Secondary Schools (CSS) of Greater Grand Rapids, Michigan, which are located in the Third Congressional District of Michigan, which I proudly represent.

The Catholic schools have a long and illustrious history in our area, serving thousands of children and their families for the past century. The Catholic Secondary Schools of Greater Grand Rapids are pioneering coeducational high schools whose conception, growth, and evolution were driven largely by the desire to offer students a quality, Catholic education. Catholic Central High School opened its doors in September 1906, as Catholic Central for boys and Sacred Heart Academy for girls. Established by Bishop Joseph Richter, with the support of Father Robert W. Brown of St. James and Father John Schmitt of St. Andrew, the first graduating classes consisted of 7 boys and 20 girls. The decision to open a central Catholic high school, let alone a co-educational one, was unprecedented in the Nation at that time. Later growth led to the opening of West Catholic High School in 1962.

This innovative diocesan co-educational school would survive both world wars, the Great Depression, fire, financial stress and clergy shortage. Along the way it inspired hundreds of other schools nationwide and grew into two schools with multiple facilities. The 2 high schools have produced more than 27,000 graduates and thousands of community leaders.

The 2005–06 school year marks the centennial anniversary of Catholic high school education in Grand Rapids, Michigan. Catholic Central and West Catholic's success represents the united effort of the bishop, parish clergy, teaching Sisters and parents. Together they were the foundation that helped realize the dream of having a Catholic high school education in Grand Rapids. This centennial is a true celebration and testament to the enduring resilience of Catholic high school education in Grand Rapids.

Graduates of the CSS have entered into religious life; careers in medicine, dentistry, pharmacy, law, education and coaching, accounting, banking, engineering and retailing and many other walks of life, contributing in a positive, moral, generous and caring fashion to the communities in which their homes and businesses are located, particularly West Michigan.

For nearly a century, the mission of the CSS of Greater Grand Rapids has been to empower students to define their vision and pursue their goals with confidence, competence and Christian generosity. In an environment deeply rooted in faith formation, student achievement and appreciation of God-given talents, Catholic Central and West Catholic students are challenged to become fully integrated persons who lead through service. CSS, in dynamic partnerships with families, alumni and the community, promote learning for everyone, encourage understanding and embracing of diversity, and establish a foundation for life-long learning.

Please join me in honoring the 100th anniversary of the Catholic Secondary Schools of Greater Grand Rapids.

IN RECOGNITION OF THE ROYAL  
FAMILY AND PEOPLE OF THAI-  
LAND

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ROHRBACHER. Mr. Speaker, I rise today to acknowledge and thank the people, especially the royal family, of Thailand.

In my lifetime, the people of Thailand, guided by a benevolent and wise royal family, have been among America's best friends. Throughout the ups and downs of the Vietnam era, the Thai's have stood with us steadfastly, even when it was uncomfortable for them to do so. They have also played a tremendous humanitarian role by taking in refugees from tyranny from all directions.

Their generosity and friendship is recognized, respected and appreciated. In a time when millions of Americans are suffering the disastrous affects of Hurricane Katrina, they have stepped forward to offer a helping hand. They have donated thirty tons of humanitarian goods such as food and blankets. It is inspiring to see that there are countries who appreciate our help in their times of need and are

expressing it by helping our distressed people now.

To the people and royal family of Thailand—thank you. Your compassion and friendship is much appreciated.

INTRODUCING A BILL TO MAKE  
FEMA AN INDEPENDENT AGENCY  
HEADED BY A QUALIFIED DIRECTOR

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to reestablish the Federal Emergency Management Agency (FEMA) as an independent agency, and to require that its Director be someone with appropriate training and experience.

The undeniable shortcomings of the federal response to the tragic effects of Hurricane Katrina have shown that FEMA's most recent director, Michael Brown, was not qualified for the job—in fact, he really was in over his head. Now that he has resigned, Congress should begin the process of strengthening FEMA and assuring Americans that Federal emergency management efforts will be handled by a capable and effective leader.

As a first step, I think we should revisit and reverse our decision to fold FEMA—formerly an independent agency—into the Department of Homeland Security (DHS).

I was never completely comfortable with that decision. When the House considered the legislation to establish the new Department, I voted for an amendment (offered by the gentleman from Minnesota, Mr. OBERSTAR) to keep FEMA independent. I did so because, as I said at the time, I feared FEMA's core mission and focus would be lost in the new bureaucracy.

It was argued that FEMA—as the central agency in charge of disaster response and emergency management—should constitute the heart of the new DHS. But FEMA had been primarily engaged in and especially effective at responding to natural hazards, not terrorism. We should have left FEMA outside the new department, or at a minimum transferred its Office of National Preparedness to the new department, while leaving FEMA's Disaster Response and Recovery and Mitigation Directorates intact.

Although the independent-FEMA amendment failed, I voted for the overall bill while expressing the hope that “the President will continue to work with the Congress to make sure the agencies moved to the new Department will be supported in their many other important duties even as they focus anew on their security roles.”

Unfortunately, recent events have given horrific proof that I hoped in vain and that my fears were well-founded.

Therefore, the bill I am introducing today will reestablish FEMA as a separate agency. It also will require that its Director be a person with appropriate formal training and at least two years of experience as the head of a disaster-management agency of either a State or a political entity—a city, county, or other area—smaller than a state but with a population of at least one million people.

To provide continuity and insulation against politics, a director, once nominated by the President and confirmed by the Senate, would serve a 6-year term—although of course, as an Executive Branch official he or she would be subject to the direction and control of the President and thus could be removed by the President.

Reorganizing FEMA is only part of the necessary actions to respond to the tragedy and devastation on the Gulf Coast. But I think it is a necessary part, and I think this bill would help us be better prepared for the next emergency.

TEXAS DISTRICT AND COUNTY  
ATTORNEYS ASSOCIATION

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. POE. Mr. Speaker, I rise today to honor the 100th meeting of the Texas District and County Attorneys Association. The men and women who serve the state of Texas as prosecutors are the foundation of the criminal justice system. As a prosecutor for 8 years and a district judge for 22 years, I witnessed firsthand the remarkable dedication to the law that is exhibited by county and district attorneys and their staffs. Texans are truly privileged to have such an extraordinary group of legal minds who have answered the call to public service.

On November 2, 1905, less than 50 prosecutors met in Dallas, Texas at the first meeting of the Texas District and County Attorneys Association. In 1970, the TDCAA re-organized for the purpose of offering training and technical assistance to prosecutors. The TDCAA has made great strides since that time, currently providing training to two-thirds of the prosecutors and staff in Texas. The 2005 meeting will take place in Corpus Christi, with more than 1100 prosecutors and staff members in attendance.

Mr. Speaker, I am proud to be a lifetime member of the Texas District and County Attorneys Association. Our district and county attorneys make communities safer while holding criminals accountable for their actions, and I commend the TDCAA for setting the bar with regards to training prosecutors. I wish the Texas District and County Attorneys Association all the best as they look forward to another 100 years of success.

TRIBUTE TO WERNER SCOTT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there are few things I enjoy more in this job than getting the opportunity to shine the spotlight on truly deserving people who serve as a source of inspiration to the rest of us. Werner Scott of Irving, Texas, is one of those people, and I would like to pay tribute to him today.

Werner Scott is the founder and President of Advantage Marketing Group (AMG), and is

recognized as a visionary in the world of enterprise and sports marketing responsible for initiating many ground breaking concepts.

Werner's credits include the brand positioning of Dallas Cowboys superstar Emmitt Smith, yielding “Brand Emmitt”, “Emmitt Zone” and “Emmitt Zone For Kids” franchises. He has also worked with several corporations like American Airlines, Frito-Lay, and Bank One Texas, providing strategic market development expertise.

Under his guidance, AMG was the key architect in staging the NFL Run To Daylight and the NFL Fast Man competitions, and working with NBC Sports to produce the ongoing Bayou Classic, the Super Bowl of Black College Football.

Prior to finding AMG, Werner started his career in 1979 in brand marketing and sales holding a number of posts with Xerox and never looked back. He climbed through the ranks at Xerox becoming an invaluable executive within the organization from 1979–1985.

A distinguished military and honor graduate from New Mexico State University, Werner majored in human resources management, with a minor in marketing sales.

Werner Scott has not only overcome tremendous challenges in this competitive industry, but he is a brave person who stands by the courage of his convictions. He has a strong passion for civic and charitable organizations including, The Open Doors Foundation, Academies of Excellence, and the Center for the Study of Sports in Society.

He is a truly extraordinary human being, and it is my hope that others will be inspired by his determination to succeed and the strength of his spirit.

PROVIDING FOR CONSIDERATION  
OF H.R. 3132, CHILDREN'S SAFE-  
TY ACT OF 2005

SPEECH OF

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2005*

Mr. PAUL. Mr. Chairman, as an OB-GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those who sexually abuse children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. This is why I have supported legislation that increases penalties for sexual assaults on children occurring on Federal land.

However, Mr. Chairman, I cannot support this bill because it infringes on the States' constitutional authority over the prevention and punishment of sex crimes. The late Chief Justice William H. Rehnquist and former United States Attorney General Ed Meese, two men who no one has ever accused of being “soft on crime,” have both warned that, although creating more Federal crimes may make politicians feel good, it is neither constitutionally sound nor prudent. Rehnquist has stated that, “[t]he trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system.” Meese stated that Congress's tendency in recent decades to make Federal crimes out of offenses that have historically

been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

H.R. 3132 not only creates new Federal programs and crimes, it instructs the States to change their laws to conform with Federal dictates. This violates the Constitution, and can weaken law enforcement. For example, one of the provisions of the new law requires States include those convicted of misdemeanors in their sex offender registries. By definition, misdemeanors are nonserious crimes, yet under this legislation State officials must waste valuable resources tracking non-serious sex offenders—resources that should be going to tracking those who are more likely to represent a real threat to children.

Thus, once again we see how increasing the role of the Federal Government in fighting these crimes—even when it is well intended—only hamstrings local and State law enforcement officers and courts and prevents them from effectively dealing with such criminals as the locals would have them dealt with—harshly and finally.

Mr. Chairman, Congress could both honor the Constitution and help States and local governments protect children by using our power to limit Federal jurisdiction to stop Federal judges from preventing States and local governments from keeping these criminals off the streets. My colleagues should remember that it was a Federal judge in a Federal court who ruled that the death penalty is inappropriate for sex offenders. Instead of endorsing a bill to let people know when a convicted child molester or rapist is in their neighborhood after being released, perhaps we should respect the authority of State courts and legislators to give child molesters and rapists the life or even death sentences, depending on the will of the people of those States.

Just as the Founders never intended the Congress to create a national police force, they never intended the Federal courts to dictate criminal procedures to the States. The Founding Fathers knew quite well that it would be impossible for a central government to successfully manage crime prevention programs for as large and diverse a country as America. That is one reason why they reserved to the States the exclusive authority and jurisdiction to deal with crime. Our children would likely be safe today if the police powers and budgets were under the direct and total control of the States as called for in the Constitution.

Finally Mr. Chairman, this legislation poses a threat to constitutional liberty by taking another step toward creating even more Federal “hate crimes” laws. So called “hate crimes” add an extra level of punishment for the thoughts motivating a crime—as if murder or robbery motivated by “hate” is somehow more offensive than murder or robbery motivated by greed or jealousy. Laws criminalizing thought, instead of simply criminalizing acts of aggression against persons and property, have no place in a free society.

In conclusion, Mr. Chairman, since H.R. 3132 further burdens State and local law enforcement with unconstitutional Federal mandates that may make it tougher to monitor true threats to children, I encourage my colleagues to reject this bill. Instead, I hope my colleagues will work to end Federal interference in State laws that prevent States from effectively

protecting children from sexual predators.

CELEBRATING THE BIRTH OF  
CHARLOTTE RILEY CALLAHAN

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Jenni and Paul Callahan, natives of Greenville, South Carolina, on the birth of their beautiful baby girl. Charlotte Riley Callahan was born in Alexandria, Virginia, on September 15, 2005 at 8:36 a.m., weighing 7 pounds, 14 ounces and measuring 21.5 inches long. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future.

Her father Paul serves as a Legislative Correspondent in my office and is a tremendous asset to the Second District of South Carolina. His strong work ethic, attention to detail, and pleasant personality make him a treasured member of my staff. Today, I am pleased to congratulate the Callahan family on Charlotte's birth.

RECOGNIZING THE 50TH ANNIVERSARY OF ROSA PARKS' REFUSAL TO GIVE UP HER SEAT ON THE BUS AND THE SUBSEQUENT DESEGREGATION OF AMERICAN SOCIETY

SPEECH OF

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2005*

Mr. CUMMINGS. Mr. Speaker, nearly 50 years ago on December 1, 1955, history was altered considerably by the refusal of a Black woman to give up her seat to a White man on a public bus. This woman was Rosa Parks, a seamstress and the secretary of the NAACP from Montgomery, AL.

Mr. Speaker, on that day Rosa Parks was not only tired from a hard day at work, but also of the torment and persecution endured by Blacks of her day. Based solely on the color of her skin, she had encountered much discrimination throughout the years, and finally, on that day, decided she was fed up.

We all know the story, but let me remind my colleagues. On that Thursday evening in December, Mrs. Parks decided that she would not give up her seat for a White man to sit down in the “Colored” section, and was consequently arrested for violating segregation laws.

Ms. Parks' arrest marked the point of conception of the civil rights movement. What followed can be described as no less than monumental. The Black community of Montgomery, AL, decided to boycott the bus system—that by the way, relied heavily on their 75 percent ridership for revenue. Montgomery's Black community, led by a young Martin Luther King, Jr. who endorsed nonviolence as a means to achieve equality, chose to walk, carpool, or ride bicycles instead of riding the bus.

Despite huge revenue losses, the Montgomery bus system refused to alter its segregation policies.

Despite endless provocation from Whites, who often resorted to acts of violence and harassment, the Black community continued its boycott for over a year.

Finally, approximately a year after Rosa Parks refused to give up her seat on the bus, on November 13, 1956, the Supreme Court declared Montgomery's bus segregation ordinance unconstitutional. Shortly thereafter, the Federal Interstate Commerce Commission banned segregation on all interstate trains and buses.

Although there were many other subsequent laws and decrees that helped to desegregate America, Rosa Parks' courage was the incipient act that sparked the stand for equality across the Nation—culminating in the civil rights movement.

It is for these reasons that I strongly support this resolution honoring Mrs. Parks' bravery. I thank my good friend, Representative JOHN CONYERS, for spearheading this noble effort and I urge my colleagues to support its passage.

A TRIBUTE TO SAMUEL L.  
JACKSON

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Ms. MATSUI. Mr. Speaker, today I rise to honor Samuel L. Jackson, a man who through hard work and dedication has become one of the most successful and well-respected attorneys in the state of California. As his friends, family and colleagues gather to pay tribute to Mr. Jackson's remarkable career and to celebrate his retirement, I ask all my colleagues to join me in saluting this great American success story.

Sam was born in 1947 in Pensacola, Florida. At the age of four, Sam's parents separated. Thereafter, Sam's mother, Annette, raised her six children alone while working two jobs. Mrs. Jackson taught her children that education was the key to success, and Sam graduated from high school in segregated Pensacola, Florida. However, despite the fact that Sam was on the honor roll for nearly all of his childhood, he was unable to attend college immediately due to the lack of scholarship money available to graduates of all-black high schools.

To earn money for college, Sam joined the United States Air Force, where he served honorably from 1966 until 1970. Sam's military career included stateside service at Mather Air Force Base in Sacramento and Travis Air Force Base in Fairfield, as well as thirteen months in Vietnam. After receiving numerous medals, ribbons, and awards, Sam was honorably discharged, and returned home to enroll at Sacramento City College.

While still in the Air Force and stationed at Mather, Sam served as best man in a friend's wedding, accompanying the bride's sister Esther. The next time Sam and Esther walked down the aisle together, it was as bride and groom. They married in 1970 upon his return from Vietnam, and recently celebrated their 35th anniversary. Sam and Esther have one child, Andre Reginald.

After earning his Associate of Arts degree from Sacramento City College, Sam continued his education at California State University, Sacramento. He received his Bachelor of Arts degree in only three years of college study, despite working full time for the United States Postal Service throughout his undergraduate career. After concluding his undergraduate education, he proceeded to law school at McGeorge School of Law, where he graduated in 1977.

As a first-year lawyer that same year, Sam was hired as a Sacramento Deputy District Attorney. After two years of working in this capacity, he decided that civil litigation suited him better. Sam obtained a lateral appointment to the position of Deputy City Attorney in 1979, and was promoted to the top of the deputy attorney hierarchy in the minimum amount of time allotted for such advancements.

In 1994, after fifteen years of distinguished service in the City Attorney's office, Sam was appointed by the Sacramento City Council as the 36th City Attorney in Sacramento's history. He has held that post for over 11 years, but last year Sam notified the City Council that he would be retiring no later than December 30, 2005.

Along with his impressive career achievements, Sam has also made substantial contributions to Sacramento through community involvement. The highlight of his community service occurred in 1981, when he undertook the management of a little league baseball team that had never enjoyed a winning season. As to be expected, Sam led the youngsters to a dominating 18-4 record by emphasizing teamwork and respect for others.

Mr. Speaker, as Sam's friends, family, and colleagues gather to celebrate his admirable career, I am honored to pay tribute to one of Sacramento's most selfless and dedicated citizens. Although his legal career may be over, Sam's involvement in his community is, fortunately for us, far from complete. I ask all of my colleagues to join with me in wishing Samuel L. Jackson continued success in all his future endeavors.

COAST GUARD YARD, BALTIMORE,  
MD

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, It is my honor to rise today to call special attention to the United States Coast Guard and in particular the Coast Guard Yard in Baltimore.

I have always said that I considered the U.S. Coast Guard to be America's secret weapon. After their heroic efforts played before us in the wake of Hurricane Katrina, I believe the secret is out. For over two hundred years, our nation's Coast Guard has patrolled and protected our coast lines, which today totals over 95,000 miles. Fulfilling incredible missions including maritime security, search and rescue, drug interdiction, search and rescue, and recreational boater safety, all Americans are indebted to our Coasties for their dedication and service each and every day.

And for over a century, Coast Guard Yard in Baltimore has served as the backbone of the Coast Guard providing its primary shipbuilding and major repair facility.

I am proud to represent the Yard and the admirable people who work there. Their commitment to the quality of work, excellence, vision and ingenuity makes this Yard an invaluable asset to the Coast Guard. Ship building and repairs require special individuals with highly specialized skills. This is a vanishing art form, particularly for a working Yard and workers that continually live up to the motto of "Service to the Fleet."

For budgetary reasons, the Coast Guard and Yard are planning to cut 50 full time employee positions from the Yard. While I understand our difficult economic times, I am concerned that such a decision would be made when we are fighting a war on terrorism both here at home and abroad. There should be no doubt about the abilities and capabilities of the Coast Guard, and the personnel at the Yard are a vital link in that chain.

This week we will consider H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. I offered an amendment to this legislation that would have restored \$9 million in funding to the Coast Guard Yard FY06 Budget to safeguard those highly specialized jobs. I am concerned that the loss of these skills in the Yard will not only harm my district and the local economy, but it will have a negative impact on the Coast Guard's ability to fulfill its missions in the future. Shipbuilders are not a dime a dozen and you cannot simply call your local temp agency for a new one. These are skills that require apprenticeships and work over years to master. When these jobs leave the area, I worry if we will be able to get them back should we need them at a future date.

Now is not the time to cut corners and jobs in this specialized workforce. Now is the time when we should fully fund the needs of the Coast Guard including the Yard to help them do their jobs and protect Americans.

The Coast Guard Yard in Baltimore has played an enormous role in Operation Enduring Freedom and Operation Iraqi Freedom. Reservists have provided port security in the Persian Gulf, allowing our troops and humanitarian aid to move in safely. They've been involved in telecommunications, boarding operations and search and rescue. The Yard also answered an urgent request from the U.S. Army and Marine Corps to quickly repair over a dozen old style bridge erection boats. These boats were refurbished and shipped to Iraq, allowing bridges to be built over the inland rivers permitting the transportation of personnel and supplies.

I am so proud of the work that has been accomplished at the Yard and the contributions that have been made. It is vitally important that we give them the tools and the money that they need to operate effectively and efficiently. I regret that the House Committee on Rules failed to make my amendment in order to restore this critical funding and I would hope my colleagues on both sides of the aisle will join me in this fight in the future to correct this mistake.

IN HONOR OF PRESIDENT CHEN  
SHUI-BIAN'S VISIT TO THE  
UNITED STATES

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SESSIONS. Mr. Speaker, Taiwan President Chen Shui-bian will be staying for two nights in Miami en route to Central America; on his way back to Taiwan he will be staying overnight in San Francisco. During the last five years as president of Taiwan, Chen has gone on several state visits including trips to some of Taiwan's diplomatic allies. Last April President Chen visited the Vatican City to pay final respects to the late Pope John Paul II. I hope President Chen's stopovers in America this September will be both restful and useful to the exchange of ideas between himself and some of his American friends and supporters.

As a friend of the Taiwanese people, I believe that Taiwan has been unjustifiably denied its proper recognition in the international community. Taiwan is a sovereign state; it is a constructive global citizen and a dynamic democracy. Yet it is not a member of the United Nations. As the United Nations celebrates its 60th anniversary this year, it is time for the UN General Assembly to re-examine the issue of Taiwan's membership. I therefore urge my colleagues, friends and supporters of Taiwan to speak up on the issue of Taiwan's bid to join the UN. The world must not allow China, an authoritarian state, to continue to deny Taiwan UN membership.

As for Taiwan's relations with the United States, Taiwan enjoys the support of both the Bush Administration and Congress. U.S. presidents have all committed the United States to the Taiwan Relations Act and pledged support for Taiwan if it were to be attacked by China. Congress has also passed legislation voicing its support of Taiwan. In the mean time, the United States has continued to sell military articles to Taiwan in accordance with Taiwan's defense needs. In addition, we appreciate our strong trade relations with Taiwan. This September a Taiwan agricultural goodwill mission is touring the United States, pledging to buy up to more than \$3.1 billion of U.S. wheat, soybeans, corn and hide in 2006 and 2007. A letter of intent signing ceremony between members of the Taiwan mission and U.S. grain exporters was held on September 14 on the Hill.

Trade relations aside, the Taiwanese people have been standing firmly behind the United States after 9/11. Their government has made every effort to protect U.S. interests in Taiwan and cooperated with our intelligence agencies. It made monetary contributions to the Twin Towers Fund, the Pentagon Memorial Fund and most recently gave \$2 million to victims of Hurricane Katrina. Other signs of friendship include Taiwanese people sending their brightest students to study at our colleges and universities and a great majority of their tourists choosing to spend their dollars in American destinations.

As President Chen passes through America this September, we'd like him and his people to know that we greatly appreciate his country and have great fondness for his people and their friendship for us.

CELEBRATING 100 YEARS AT  
HANDLEY CHURCH OF CHRIST

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Handley Church of Christ for celebrating its 100th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

In 1905, J. Dan Thomas invited several families to meet at his house for a worship service; this was the first meeting of the congregation of the Handley Church of Christ. Soon after, the congregation grew and became too large for the Thomas home.

Throughout the years, the congregation continued to grow and with that came the need for more space. In 1919, the church moved to a frame building with seating for 60 people. With church membership listed as 150, there was still not sufficient room. The congregation has since stayed on that property and continually added to and remodeled the building.

Today, the sanctuary will seat 1,000 people and the property includes an educational building as well as a building consisting of classrooms. The church will commemorate its 100 years by unveiling a Texas State historical marker.

As its founders intended, the Handley Church of Christ endures today as an example of a pioneer institution which has adapted itself to new surroundings and times without compromising traditional beliefs and values. As one of Tarrant County's oldest churches, it occupies an important place in the Handley community today as a symbol of endurance, stability and service.

Congratulations to the congregation at Handley Church of Christ on their anniversary. One hundred years of worship is a milestone to be celebrated.

AN EXCELLENT OP-ED ARTICLE  
ON HURRICANE KATRINA

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention an excellent op-ed article that appeared last week in the New York Times by David Brooks titled, "Katrina's Silver Lining." The op-ed article points out that the devastation which occurred earlier this month along the Gulf region now presents us with the challenge to address the roots of poverty in the United States.

Poverty was the underlying cause of the tragedy that occurred in Louisiana a couple of weeks ago. Many of the people who were unable to evacuate did not have the economic means to flee the hurricane that destroyed their city and countless lives. An individual's financial circumstance should not get in the way of life and death decisions. Low-income families should not be forced to risk their safety and well-being simply because they do not have the financial means to protect themselves.

Addressing the tragedy that occurred in New Orleans will take more than rebuilding the city's infrastructure. In order to ensure that the human suffering that has occurred never happens again, we need to address the high rates of poverty that exist in this Nation.

Every American should have the right to live a better life. We must ensure that everyone has the ability to adequately care for their families. Moreover, we need to ensure that every American has access to educational opportunities which lead to greater outcomes. And we must ensure that no one is forced to make a life and death decision based on their financial circumstance.

Early estimates suggest that thousands of Americans may have perished as a result of Hurricane Katrina and the events that occurred after the storm, while many others were injured. The families that were forced to remain in Louisiana during the storm have finally been evacuated and now faced with the difficult task of rebuilding their lives. Sadly, many of them are also desperately searching for missing loved ones.

In the wake of this disaster, let us move forward with an aggressive agenda to eradicate poverty in the United States. Let us rise to the challenge that Hurricane Katrina presented to us by removing the hurdles that force too many families to live in poverty. We can do this. The survivors of Hurricane Katrina, and the millions of other Americans who are living in poverty, deserve nothing less.

[From the New York Times, Sept. 8, 2005]

KATRINA'S SILVER LINING

(By David Brooks)

As a colleague of mine says, every crisis is an opportunity. And sure enough, Hurricane Katrina has given us an amazing chance to do something serious about urban poverty.

That's because Katrina was a natural disaster that interrupted a social disaster. It separated tens of thousands of poor people from the run-down, isolated neighborhoods in which they were trapped. It disrupted the patterns that have led one generation to follow another into poverty.

It has created as close to a blank slate as we get in human affairs, and given us a chance to rebuild a city that wasn't working. We need to be realistic about how much we can actually change human behavior, but it would be a double tragedy if we didn't take advantage of these unique circumstances to do something that could serve as a spur to antipoverty programs nationwide.

The first rule of the rebuilding effort should be: Nothing Like Before. Most of the ambitious and organized people abandoned the inner-city areas of New Orleans long ago, leaving neighborhoods where roughly three-quarters of the people were poor.

In those cultural zones, many people dropped out of high school, so it seemed normal to drop out of high school. Many teenage girls had babies, so it seemed normal to become a teenage mother. It was hard for men to get stable jobs, so it was not abnormal for them to commit crimes and hop from one relationship to another. Many people lacked marketable social skills, so it was hard for young people to learn these skills from parents, neighbors and peers.

If we just put up new buildings and allow the same people to move back into their old neighborhoods, then urban New Orleans will become just as rundown and dysfunctional as before.

That's why the second rule of rebuilding should be: Culturally Integrate. Culturally Integrate. Culturally Integrate. The only

chance we have to break the cycle of poverty is to integrate people who lack middle-class skills into neighborhoods with people who possess these skills and who insist on certain standards of behavior.

The most famous example of cultural integration is the Gautreaux program, in which poor families from Chicago were given the chance to move into suburban middle-class areas. The adults in these families did only slightly better than the adults left behind, but the children in the relocated families did much better.

These kids suddenly found themselves surrounded by peers who expected to graduate from high school and go to college. After the shock of adapting to the more demanding suburban schools, they were more likely to go to college, too.

The Clinton administration built on Gautreaux by creating the Moving to Opportunity program, dispersing poor families to middle-class neighborhoods in five other metropolitan areas. This time the results weren't as striking, but were still generally positive. The relocated parents weren't more likely to have jobs or increase their earnings (being close to job opportunities is not enough—you need the skills and habits to get the jobs and do the work), but their children did better, especially the girls.

The lesson is that you can't expect miracles, but if you break up zones of concentrated poverty, you can see progress over time.

In the post-Katrina world, that means we ought to give people who don't want to move back to New Orleans the means to disperse into middle-class areas nationwide. (That's the kind of thing Houston is beginning to do right now.)

There may be local resistance to the new arrivals—in Baton Rouge there were three-hour lines at gun shops as locals armed themselves against the hurricane victims moving to their area—but if there has ever been a moment when people may open their hearts, this is it.

For New Orleans, the key will be luring middle-class families into the rebuilt city, making it so attractive to them that they will move in, even knowing that their blocks will include a certain number of poor people.

As people move in, the rebuilding effort could provide jobs for those able to work. Churches, the police, charter schools and social welfare agencies could be mobilized to weave the social networks vital to resurgent communities. The feds could increase earned-income tax credits so people who are working can rise out of poverty. Tax laws should encourage business development.

We can't win a grandiose war on poverty. But after the tragedy comes the opportunity. This is the post-Katrina moment. Let's not blow it.

COMMENDING DEPAUL UNIVERSITY'S  
RESPONSE TO HURRICANE KATRINA

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of DePaul University of Chicago. Founded in 1898, DePaul is the nation's largest Catholic University. This institution has a long history of public service, and is continuing this tradition in its extraordinary response to Hurricane Katrina by offering compassion, assistance, and educational opportunities to students affected by this national crisis.

Once it became clear that Hurricane Katrina would disrupt the education of thousands of students attending universities located along the Gulf Coast, DePaul University opened its doors. As of September 9, DePaul had accepted 150 displaced students.

DePaul has offered special tuition grants to their visiting students, requesting that they make tuition payments to their home university. DePaul has also taken steps to secure additional financial aid for these students.

The students at DePaul have also taken action to help victims of Hurricane Katrina. By September 9, these students had raised more than \$5,000 to purchase supplies to be sent to the Gulf Coast. Many campus groups, including student athletes, Student Leaders Emerging, S.A.V.E., and DePaul chapters of the NAACP and Target Hope, have organized relief efforts. Other DePaul students are exploring ways to assist displaced Gulf Coast residents who have migrated to Chicago after evacuating from their homes.

Mr. Speaker, our Nation is faced with an unprecedented challenge. Caring for the victims of Hurricane Katrina and helping them rebuild their lives will require the dedication of all Americans. I am proud of the efforts of the students, faculty and administration of DePaul University in response to this national tragedy, and of similar efforts in colleges and universities throughout Chicago and across the country.

HONORING EVA HALLER AND  
COUNTERPART INTERNATIONAL

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mrs. CAPPS. Mr. Speaker, I rise to recognize a great organization, Counterpart International, and a tireless advocate, Eva Haller.

For 40 years Counterpart International has done extraordinary work, first helping South Pacific countries move from colonialism to independence, and then expanding their efforts to assist the growth of democracy in Africa, Latin America, Eurasia, and around the Caribbean. This global organization's strategy is to engage people in their own communities through education and exchange programs that teach the skills necessary for citizens to strengthen their homeland's independence from within.

Counterpart also brings together and draws upon the support of governments, corporations, and individuals to accomplish this goal. Their approach relies on "smart partnerships" which engage all sectors and benefit all participants. These two principles increase the likelihood of success where other development programs fail.

Another key element in Counterpart's success is my dear friend and constituent Eva Haller. As a board member of Counterpart she has emphasized a focus on women, the environment, and preservation of cultures. She is a passionate and tenacious advocate for all people who need help, be they children, poverty stricken families, or the populations of far off land struggling to become free. With her international outlook she knows that those of us who live in the United States, the wealthiest country in the world, have a special duty

to be generous with our time, money, and cares.

Eva is a tremendous example for us all to live up to and I am proud to recognize the incredible work that she does on her own and with Counterpart International. It is no accident that the organization will honor Eva, among others, at its 40th anniversary benefit reception in New York on September 21. In these trying times there is more and more need for the leadership that Eva and Counterpart International exemplify.

THE POVERTY LEVEL IN OUR NATION IS UNACCEPTABLE—IT IS TIME FOR A CHANGE

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CUMMINGS. Mr. Speaker, I rise tonight to talk about poverty in our nation—the harsh reality of which played out painfully for all of the world to see after Hurricane Katrina struck the Gulf Coast region.

The televised images of hardship, death and despair from New Orleans may have opened the doors to this nation's reservoir of compassion—but something more than a momentary outpouring of conscience will be required to keep those doors from slamming shut again once the television spotlights dim.

Hurricane Katrina and its aftermath revealed the harsh realities of poverty in America. The heartbreaking visions of lost children searching for their families, elderly people trapped in their homes, diabetics suffering without their insulin and corpses floating in the streets have the potential to become a transforming event.

That potential will be realized, however, only if Americans of conscience join together in a national movement to end poverty in America.

Once again, a generation of Americans must find within ourselves the courage, optimism and organizational skills that will allow us to demand an end to the poverty that underscored the New Orleans tragedy—and to make permanent our demand for positive change.

The road toward achieving this goal must begin, as all missions of change begin, in our personal experience as a people. Consider two families who have been transformed by the New Orleans disaster—whom I will call the Jones and Smith families. I am using fictitious names and relaying a blended story to protect their privacy—but quite frankly Mr. Speaker their stories are a common refrain from the Katrina fallout.

Prior to this storm, Mr. and Mrs. Jones lived in public housing with their three children. Neither parent had a high school diploma and—as a result—they lived in a neighborhood surrounded by unemployment and poverty.

If it had not been for Hurricane Katrina, the Jones family might never have met the Smiths, a middle-aged couple who live in an upscale suburban home hundreds of miles away.

The Smiths were haunted by the suffering that they were witnessing on their television screen. Called to take action by their church, they reached out to the Jones family and gave them a place to live in the basement of their home. The impact of their generosity has been profound.

Before the storm and the flood, Mr. Jones had been unemployed due to layoffs at the New Orleans oil refinery where he had worked. Now, one of Mr. Smith's neighbors, a lumber yard supervisor, has given Mr. Jones a job—and the Smiths are helping the Jones family research GED programs that can help them get even better jobs.

Across America, churches and good people like the Smiths are coming together to provide the shelter, warm meals, clothing and other help that will allow many of the survivors of Hurricane Katrina to rebuild their lives. School districts have opened their classrooms to the more than 372,000 students displaced by the storm. Government and non-profit organizations are holding job fairs to help those who have been displaced find employment.

We cannot remake the past, but we can give meaning to the staggering toll of those who have suffered and died as a result of this national tragedy. That is what the Smith family is doing, and they deserve our applause.

Yet, if the debacle in New Orleans is truly to become a "tipping point" that guides this nation toward a more just and humane society, something more than individual acts of compassion will be required.

Consider these facts. In New Orleans before the storm, three out of every ten residents lived below the poverty line—and at least 37 million Americans (including 13 million American children) are now living in poverty nationwide.

In fact, the number of Americans falling into poverty increased again last year for the fourth straight year. While the economy grew 3.8%, median income has remained flat for the fifth straight year at \$44,389. Income inequality is at an all time high with 50.1 percent of income going to the top 20 percent of households—where only the top 5 percent of income earners saw an increase in real income gains in 2004 according to the Economic Policy Institute.

Mr. Speaker, it is an undisputable fact that many of the victims of Hurricane Katrina were victims of poverty and neglect.

However, I believe like many of my colleagues that they should not have to wait for our compassion until another disaster brings with it their televised deaths in our streets.

At the federal level, we must demand that those who now control both the Congress and the White House back up the words of compassion that they speak. That is why I have joined House Minority Leader NANCY PELOSI in urging that the House Republicans set aside their plan to cut the federal budget by \$35 billion to help pay for another \$70 billion tax cut for the rich.

Americans need to know that, while the Republican leadership expresses compassion for this nation's poorest citizens, they are planning to cut \$10 billion from Medicaid, \$9 billion from federal student aid, and additional tens of billions of dollars from the federal food stamp program, public housing assistance, Head Start, public education and job training programs.

As a nation, we can do better than this. Shortly after the New Orleans tragedy touched our Nation, I offered this challenge to the Bush Administration and its allies in the Congress.

"We cannot allow it to be said by history," I declared at a Washington press conference, "that the difference between those who lived and those who died in the great storm and

flood of 2005 was nothing more than poverty, age or skin color.”

This, I submit, is the continuing challenge of poverty in America—a challenge that will continue to test the moral fabric of our Nation. I applaud my colleague Representative BARBARA LEE, for her tireless efforts to shine a bright light on America's economic disparities and resultant poverty. I hope that her bill H. Con. Res. 234, serves to allow us to begin to discuss and to address solutions to ending poverty in this country. To do so, I firmly believe that we have to rethink how our federal fiscal and social policies are lending significantly to the poverty problem.

A moral people would take up this challenge. A moral people would understand that it is time for a change.

TIME TO ESTABLISH AN INDEPENDENT HURRICANE KATRINA COMMISSION

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. CLAY. Mr. Speaker, this is to register my support for the legislation, H.R. 3764, to establish an independent commission to study the Federal Government's response to Hurricane Katrina.

The disaster brought by Hurricane Katrina is indisputable. The failure of government agencies and elected officials to effectively minimize the suffering and death of the victims in the Gulf Coast is indefensible.

History will record the Katrina disaster as a turning point in this nation's history. When the waters rose and the levees burst, the world watched as thousands of sick and elderly Americans, thousands of poor families with young children cried out for food and water. American citizens who trusted the advice of the government were abandoned in an evacuated city without food or water, without plumbing, without law enforcement, without transportation and without hope. The pictures we saw were nothing short of unbelievable. Mr. Speaker, in September 2005 the image of America was forever changed in the eyes of the entire world.

As a nation we can no longer pretend that all Americans have the opportunity to share in the wealth of this great nation. The winds of Katrina exposed the truth to all Americans and to all the world.

The very least this body must now do is to abandon the partisanship that has stifled public policy making for too many years. We are elected officials and our first responsibility is to represent the people—not to represent political parties. There should be no disagreement that whatever government did or did not do in response to Hurricane Katrina, we did not do our best. The mission failed. And it was not the failure of one person or the failure of one government agency or the failure of any political party—it was a collective failure. Now we must come together to do everything humanly possible to make certain that this never, ever happens again.

Mr. Speaker, we must establish an Independent Katrina Commission to assess the federal government's response to this hurricane and to determine what we must do to ef-

fectively respond to future large-scale catastrophes. The people of this nation expect nothing less. It would be stupid and it would be senseless for this body to even consider doing otherwise.

I implore my colleagues to remember the thousands of American citizens whose trust in our government was destroyed when their livelihoods were lost, their homes were washed away and the poor and the sick were left all alone to die. It will take a generation or more for most of the victims and their families to mend; this Congress must do everything possible to support them. The recovery of our nation is at stake. We must work to ensure that Katrina remains the single greatest natural disaster in our history. We need an Independent Katrina Commission to restore faith in this government and to ensure that we never again experience a preventable disaster.

RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. HONDA. Mr. Speaker, I would like to recognize and honor the more than 3,000 lives that were lost on one of the most tragic days in our history, September 11, 2001. Four years after this dreadful day, our Nation continues to mourn the loss of so many friends and family members, whose lives were cut short by previously unthinkable acts of terror.

In remembrance of the bravery of the passengers and crew on United Airlines Flight 93, I strongly supported Senate Concurrent Resolution 26, which pays tribute to their heroic efforts. Their decisive and brave decision to overtake the September 11 terrorists likely saved the lives of countless Congressional Members and staffers, as well as the U.S. Capitol or White House from almost certain destruction.

The San Jose community I represent was especially saddened by the loss of Captain Jason Matthew Dahl, the pilot of Flight 93 and a true American hero. Jason grew up in San Jose, and his parents used to deliver milk to Hillsdale Elementary School, where I served as principal. His courage and the courage of the passengers and crew of Flight 93 was reflective of the spirit displayed in abundance by so many Americans that day. Establishing a memorial as called for in Senate Concurrent Resolution 26 will be a permanent tribute to the 40 selfless individuals of Flight 93 who overcame fear and mobilized into action to defend their fellow Americans.

I hope that Congress will show that same kind of strength and focus in defense of our homeland. The campaign against terrorism will be a long-term engagement, but we owe it to the families of the victims of 9/11 to use all appropriate tools to ensure that such a tragedy will never happen again.

RECOGNIZING HISPANIC HERITAGE MONTH

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. TIBERI. Mr. Speaker, I rise today in celebration of National Hispanic Heritage Month, and in special recognition of Hispanics in central Ohio and throughout our country.

During this designated month, America celebrates the culture and traditions of our friends and neighbors with Hispanic roots. Hispanics are now the largest minority group in the United States. The 2000 Census found that 35.3 million people identified themselves as Hispanic American. That represents a 58 percent increase from the 1990 Census.

Beyond the data, the reality is that Hispanics are an integral part of America's social fabric. I am proud that the State of Ohio is home to more than 217,000 residents of Hispanic/Latino descent. Hispanic Americans continue to make great strides in education, employment, health, homeownership, and economic mobility. This is a result of a set of values that includes a strong work ethic, family values, and service to community.

Hispanic Americans in central Ohio serve the community in numerous capacities. In particular, recent immigrants unfamiliar with the English language are served by Spanish interpreters who help provide them access to health care, education, legal assistance and other vital services. Mi Directorio Hispano, a business directory, and Spanish newspapers in central Ohio, like La Voz Hispana, connect Hispanics with the community and keep them informed. The Ohio Hispanic Coalition, a non-profit outreach organization, and the Ohio Commission of Hispanic/Latino Affairs serve as advocates for the needs of Hispanic people and help to promote good relations among the community-at-large.

Mr. Speaker, the Hispanic community is a vital part of central Ohio and our country. As we move forward as a nation, it is important to pursue policies that can further expand opportunities for Hispanic Americans. I ask all of my colleagues to join me in support and in honor of Hispanic Americans, their culture and traditions, and their work and service that contribute to the greatness of this Nation.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

SPEECH OF

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2005*

Ms. SCHAKOWSKY. Mr. Chairman, I have asked for unanimous consent to be removed from the list of cosponsors on H.R. 3132. My name was added to the list unbeknownst to me and my staff due to a clerical mistake made by the House Judiciary Committee Majority Staff. For the record, I did not ask to be added to the list of cosponsors.

Sexual crimes against children are terrible and reprehensible acts. I believe that it is vital that we take every precaution to protect our

children from sexual violence and that we punish those criminals who prey on our children. However, I stand today in opposition to H.R. 3132, the Children's Safety Act. While I support many of its provisions, I am concerned that this bill would expand the use of the death penalty, impose mandatory minimum sentences, and punish more young people as adults.

Although I believe that harsh penalties and aggressive prosecution of sex offenders are necessary, I oppose this bill because it would create at least two new death penalty provisions. I strongly oppose the death penalty because it is fraught with problems such as inadequate representation for the accused, lack of access to DNA testing, police misconduct, racial bias and other errors. Experts have found a national error rate of 68 percent, which means over two-thirds of all capital convictions and sentences are reversed because of serious error during trial or sentencing phase. In fact, former Illinois Governor Ryan declared a moratorium in 2000 after 13 people were released from death row because of innocence. The error rate in Illinois is 66 percent. Therefore, I believe capital punishment is inconsistent with Constitutional requirements of fairness, justice, equality and due process.

This bill would also create 36 new mandatory minimum sentences which are arbitrary, ineffective at reducing crime, and unfair. The United States Sentencing Commission found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences with no evidence that mandatory minimum sentences had any more impact in reducing crime than sentences where the judges had discretion. Judges are exercising their discretion responsibly under advisory guidelines, and there does not appear to be an epidemic of judicial leniency. A proliferation of mandatory minimums is not the answer.

I agree that sexual abuse crimes against children are serious concerns today. Unfortunately, this bill takes the wrong approach. I am especially concerned that this bill allows for more youths to be tried as adults. For example, a 19-year-old who has consensual sex with a 17-year-old would be treated the same as an older adult predator of young children. The vast majority of children and teenagers show a high response rate to treatment and often do not become adult sex offenders. This bill would mandate lifetime sex offender registration for children and youth, and subject them to long prison sentences. Research shows that young people who are prosecuted as adults are more likely to commit a greater number of crimes upon release than youths who go through the juvenile justice system.

Representative CONYERS offered as an amendment to H.R. 3132, the provisions of H.R. 2662, the Local Law Enforcement Hate Crimes Prevention Act. I am an original co-sponsor of H.R. 2662, and strongly supported this amendment to H.R. 3132. This legislation would make it easier for the federal government to investigate, prosecute and prevent hate crimes across the country. And I hope it is enacted.

It is the responsibility of Congress to the young people of this nation and to all citizens to combat violence against children. Unfortunately, this bill takes us in the wrong direction. 33 scientific researchers, treatment professionals and child advocates have written to

express their opposition or serious concerns with this bill. Although this bill included the provisions of H.R. 2662, which I strongly support, I oppose H.R. 3132 because it would treat youths as adult criminals and lead to a potential increase in the number of innocent people being executed or languishing in prison.

CREATION OF AN INDEPENDENT  
HURRICANE KATRINA COMMISSION

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ETHERIDGE. Mr. Speaker, I rise to support the creation of an independent commission to investigate the preparedness and response to the overwhelming devastation and loss of life from Hurricane Katrina and in opposition to the creation of a partisan select committee.

I cosponsored Congressman HASTINGS (R-WA) bill to create an independent commission because it is the right thing to do. The 9/11 Commission proved successful in investigating all branches and levels of government and offered concrete suggestions to Congress to correct breaches in our national security. The Hastings bill follows that model and presents the best option for a thorough, impartial investigation into the federal response to Hurricane Katrina.

An independent commission is the best approach to this task, as it would allow a higher degree of impartiality and independence than a partisan select committee. I expect the Commission to conduct a thorough investigation of all the people and agencies involved by questioning everyone directly involved in the decision-making process, including the White House Homeland Security Secretary Michael Chertoff and former FEMA director Michael Brown. In addition to investigating the federal government's response to this horrendous natural disaster, the Commission should also determine if our country is adequately prepared to respond to another disaster of this magnitude, as well as serve the needs of all communities potentially affected. This Commission should also provide recommendations regarding improvements to the Executive and Legislative branches that would increase the efficiency and effectiveness of disaster response.

Congress also has a constitutional duty to use its full oversight authority through the committee hearing process to assess the federal government's responsibilities and response to this disaster. We, in North Carolina, have plenty of experience with hurricanes and natural disasters, and we know that we must first rely on our state and local authorities to plan and prepare, but we make these plans with the knowledge that the federal government will back us up when we are overwhelmed.

Congress must make sure that the federal response agencies appreciate and understand their responsibilities to the states in the event of a disaster. Congress must hold the Administration to the highest standards of professionalism and vigorously conduct our constitutional obligation for oversight of these agencies. We must restore the professional integrity of FEMA to protect the American people

from natural disasters as well as terrorist attacks.

Mr. Speaker, our country has worked to increase its preparedness for four years since that tragic day in September 2001, and it appears our efforts have failed. We must work swiftly to correct past mistakes so that we can ensure the safety of all Americans during a time of crisis.

TRIBUTE TO HISPANIC HERITAGE  
MONTH

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to National Hispanic Heritage Month. During this month, America celebrates the traditions, ancestry, and unique experiences of those who trace their roots to Mexico, the countries of Central and South America, the Caribbean and Spain and we thank them for the many contributions they have made to this nation.

Unlike any other country on earth, America thrives on its ability to attract people of all faiths, colors and creeds to reside within its borders. Such mixing of cultural knowledge and experiences has helped this country to become the greatest nation the world has ever known. Moreover, as a Puerto Rican, I am very proud of the contributions Hispanics have made and continue to make to this cultural mosaic.

Hispanic influence on American culture is evident from every aspect of American life including music, film, food, arts, sports and politics. Economically, culturally, and politically, Latinos are an integral part of our nation. As we celebrate this special month I would like to pay special tribute to those who were Hispanic trailblazers and helped to bring the rich culture of the Hispanic people to the United States. As a Hispanic Member of Congress, I along with the rest of the Congressional Hispanic Caucus, follow in the footsteps of great pioneers such as Joseph Marion Hernandez who became the first Hispanic to serve as a member of the United States Congress in 1822. Roberto Clementé, Celia Cruz, Raul Julia and countless others helped to open doors in their respective fields enabling the Hispanics of today to share their rich history and culture with all Americans.

As we forge ahead in the 21st century we must continue to work to guarantee that America is not only rich with diversity but equality as well. I am committed to ensuring that Hispanics are able to enjoy a higher standard of living for generations to come. It is important that Hispanics become home owners, attend institutions of higher learning, earn higher wages and receive quality healthcare. The success of this nation depends upon the success of all its citizens.

Mr. Speaker, for their many contributions to our nation and culture, and for their unyielding drive to achieve the American dream, I ask my colleagues to join me in paying tribute to Hispanic Americans during Hispanic Heritage Month.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF NAPA SOLANO HEAD START

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. GEORGE MILLER of California. Mr. Speaker, my colleagues Mrs. TAUSCHER and Mr. THOMPSON of California and I rise today to recognize the tremendous contributions made to Napa and Solano Counties in California by Child Start, Inc. (CSI) as that organization celebrates its 40th anniversary. CSI is a single purpose child and family services agency that operates the Head Start program in this two-county region.

Head Start began in Napa County in 1965, and in 1986 its catchment area expanded to include neighboring Solano County. In 2000, CSI was formally incorporated as the legal entity overseeing the Head Start programs.

CSI strives to create partnerships with parents and public, private and corporate entities to promote social, economic and intellectual growth for families and to promote community change that values each child and family in their diversity and supports them with dignity, pride and compassion.

The Head Start programs in the two-county area serve over 1,000 children and their families. Their successful projects include central and home-based child development activities, children's literacy projects, an early childhood education program and Early Head Start.

Early Head Start provides comprehensive services to pregnant women, infants and toddlers. The Therapeutic Child Care Center in Napa serves families in a center-based infant mental health model. Home-based services are provided in collaboration with Healthy Moms and Babies, Black Infant Health and Child Have, all very successful local programs.

In March 2005 the National Head Start Association recognized CSI as one of the top 40 outstanding Head Start programs in the United States and in August 2005 the California Head Start Association presented CSI with a Distinguished Program Award.

Mr. Speaker, CSI is an invaluable part of the social service network in Napa and Solano Counties and it is appropriate that we acknowledge CSI at this time for its many contributions to our communities.

PERSONAL EXPLANATION

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Ms. HARMAN. Mr. Speaker, on Wednesday, September 14, 2005, I was unavoidably absent from the House of Representatives during rollcall votes 468 and 469. Had I been present, I would have voted "no" on rollcall vote 468 and "aye" on rollcall vote 469.

IN RECOGNITION OF THE YEAR OF THE MUSEUM

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Ms. McCOLLUM of Minnesota. In 2006, American museums will celebrate 100 years as a profession with a prominent place in U.S. society. The recognition of 2006 as the Year of the Museums will allow Congress and the American people to have the opportunity to formally recognize and celebrate the many contributions our Nation's museums continue to make to our culture and life.

Thank you to Congresswoman SLAUGHTER and Congressman SHAYS, co-chairs of the Congressional Arts Caucus, for taking the leadership in introducing this resolution. As a member of the Congressional Arts Caucus and of the National Council on the Arts, as well as a Representative for a Congressional District rich in the arts and humanities, I am proud to be a cosponsor.

Museums encourage the participation in and appreciation of the arts and humanities. They connect citizens to increasingly diverse world and help to preserve a community's culture and history.

Museums also play a critical role in providing children and youth with opportunities that enhance their education in arts and humanities, by providing hands-on learning experiences. Relationships between museums, schools, colleges and universities, and other community organizations ensure that children, youth, students, and adults all have access to objective and educational information that enhance and broaden our understanding of the world we live in.

Without museums, the historical preservation of, as well as the display of and care for, artistic pieces, artifacts, and living specimens would not be possible. Museums exist to connect people with art, history, and culture.

In my District, more than a dozen museums contribute to the historical preservation and artistic expression of their communities, including the American Museum of Asmat Art, the Bell Museum of Natural History, the Como Zoo and Marjorie McNeely Conservatory, the Dakota County Historical Museum, the Gibbs Museum of Pioneer and Dakota Life, the Goldstein Museum of Design, the Jackson Street Roundhouse Museum, the Minnesota Children's Museum, the Minnesota History Center's Museum, the Minnesota Museum of American Art, the Minnesota Wing Commemorative Air Force Museum, the New Brighton History Center Museum, the Schubert Club and Museum of Musical Instruments, the Science Museum of Minnesota, and the Twin City Model Railroad Museum.

Our communities count on our nation's museums, as well as our art and humanities organizations, to help educate, engage, and delight our citizenry and to strengthen our local economies. It is with great pride and appreciation for the role of museums in our communities that I submit this statement for the official United States CONGRESSIONAL RECORD.

TESTIMONY OF RALPH NADER REGARDING THE CONFIRMATION OF SUPREME COURT NOMINEE JUDGE JOHN ROBERTS

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today on behalf of an honorable gentleman from my home state of Connecticut, Mr. Ralph Nader, to submit for the RECORD a copy of testimony that he earlier submitted to the Senate Judiciary Committee's hearing regarding the confirmation of Supreme Court Chief Justice Nominee Judge John Roberts.

Mr. Chairman and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony on the nomination of Judge John G. Roberts Jr. for the position of Chief Justice of the Supreme Court of the United States. I ask that this statement be made part of the printed hearing record.

In 1994 I testified before the Senate Judiciary Committee on the nomination of Stephen G. Breyer by President Clinton to be an Associate Justice of the Supreme Court of the United States. In that testimony I called attention to the importance of balance in the way our laws handle the challenges of corporate power in America.

I said:

"For our political economy, no issue is more consequential than the distribution and impact of corporate power. Historically, our country periodically has tried to redress the imbalance between organized economic power and people rights and remedies. From the agrarian populist revolt by the farmers in the late 19th and early 20th century, to the rise of the federal and state regulatory agencies, to the surging trade unionism, to the opening of the courts for broader non-property values to have their day, to the strengthening of civil rights and civil liberties, consumer, women's and environmental laws and institutions, corporate power was partially disciplined by the rule of law."

Today it is more important than ever for all Supreme Court Justices and, in particular, the Chief Justice of the Supreme Court to have the inclination and wisdom to realize that our democracy is being eroded by many kinds of widely reported systemic corporate excesses. Giant multinational corporations have no allegiance to any country or community, and the devastation and other injustices they visit upon communities throughout the United States and around the globe have outpaced the countervailing restraints that should be the hallmark of government by, for and of the people. Unfortunately, the structure and scope of these hearings are not likely to devote a sufficient priority to the corporate issues of our times.

In 1816 Thomas Jefferson wrote: "I hope we shall . . . crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country." Imagine his reaction to the corporate abuses of Enron Corp, HealthSouth Corp., Tyco, WorldCom or Adelphia Communications Corp. to name only a few, along with the drug, tobacco, banking, insurance, chemical and other toxic industries. The corporate crime and greed of today tower over the abuses of the "moneyed corporations" of Jefferson's day. The economic power of giant corporations is augmented by a flood of Political Action Committee (PAC) money and

other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increasingly more corporate than civic.

You will hear about Judge Roberts from several perspectives, but it is safe to assume that questions and testimony about Judge Roberts' views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corporations have on our democracy. An important procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving individuals the ability to hold "wrongdoers" accountable in a court of law. "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice," said the famous jurist, Learned Hand.

Unfortunately, powerholders, corporations and other institutions which are supposed to be held accountable by the civil justice system, are striving to weaken, limit and override the province of juries and judges. Some companies, led by insurers, have used expensive and focused media to promote the view that civil juries are too costly and too unpredictable. This narrow and short-sighted perspective is contrary to the long-standing tenets of our democracy and in particular the Seventh Amendment to our Constitution.

The civil jury system of the United States embraces a fundamental precept of tested justice: ordinary citizens applying their minds and values can and do reach decisions on the facts in cases that often involve powerful wrongdoers. This form of direct citizen participation in the administration of justice was deemed indispensable by this nation's founders and was considered non-negotiable by the leaders of the American revolution against King George III. But the civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterrence of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of the few authoritative reservoirs of advancing standards of responsibility between the powerful and the powerless—whether between companies and consumers, workers, shareholders and community or between officialdom and taxpayers or citizens in general. Knowing the evolution of the common law and the civil jury provides compelling and ennobling evidence of this progression of justice. Chief Justice William Rehnquist wrote, "The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary."

As the hearing unfolds, I suggest that the members of the Judiciary Committee devote some time to areas beyond those that are traditionally the focus of witnesses and questioning by Committee members and ask fundamental questions about the views of Judge Roberts, a former corporate lawyer at Hogan & Hartson, regarding corporate power and the civil justice system.

In the spirit of expanding the criteria by which the Committee and the public can measure Judge Robert's judicial and civic philosophy, I offer the following questions for you to pose to the nominee. Some of the questions are narrowly focused and some are broad-gauged. But, in their totality they constitute the broad kind of "litmus test" that should be applied in selecting and con-

firming all judges. In short, does the nominee, having met the threshold requirements of competency, believe that the rule of law should be used to broaden and deepen, procedurally and substantively, our democracy—even if it means the rights of the giant corporation or powerful interests must be circumscribed to protect the rights of the individual citizen and of our communities—rural or urban, large or small?

In pursuing its own line of questions, the Committee should not let its exploration of the nominee's views be artificially restricted. Judicial nominees have given two reasons for refusing to answer questions, but these reasons are contradictory. First, they say, if they publicly express their views, it will compromise them if the issue comes before the Court. Second, they say, judges do not decide legal issues in a vacuum: they only decide a concrete dispute in a specific adversarial context. Accordingly, some nominees claim it's silly or inappropriate, for example, to say whether they believe the Constitution protects the right to abortion, because Justices don't decide cases by asking such abstract questions. They face a particular statute, challenged by a particular party directly affected in a particular way, and the resolution of that dispute will turn on all those particulars.

This second response has a degree of merit—and undercuts the first reason for refusing to answer most questions. Precisely because neither nominees nor the public can know in what context issues will reach the Court (if at all), it is not problematic for nominees to discuss their views. They should not say how they would decide an actual pending case, but, short of that, it is fine for them to discuss issues because that in no way commits them to taking sides in any actual dispute—such disputes are invariably context-specific. For example, a nominee may be asked about the doctrine that treats a corporation as a "person" entitled to various constitutional rights. His or her thoughts on this issue will not tell us what he or she will do if such an issue is raised in a case before the Court. The latter may depend on the nature of the corporation (non-profit? media? multi-national?), the nature of the claimed right, and much more.

Moreover, even if the nominee testifies that he or she disapproves the doctrine, as a Justice the nominee may hold that the question is settled law. Or if a nominee says that he or she agrees with the doctrine, a new circumstance—or a party making a new argument—may lead the nominee to hold otherwise. Nothing a nominee says guarantees that he or she will decide any case any particular way. Nothing that is said has to be fixed in stone. Judges do give opinionated public speeches, do they not?

It may be wondered whether, in light of the above, any purpose is served by asking the nominee his views. The answer is yes. It's no secret that nothing a nominee says binds the nominee once he or she receives an office with life tenure. Nominees can't and shouldn't be bound. But especially with a nominee who has a limited public record, the hearings provide some basis for gauging the nature and quality of his ideas, about his philosophy of due process for example. At any rate they have that potential—if Senators do their job and do not accept a nominee's self-serving refusal to answer questions.

At the outset, it would behoove the Committee to establish the parameters the nominee will use in fashioning responses to your questions by asking:

What criteria are you using to determine if you will directly answer or not answer questions posed to you by members of the Senate Judiciary Committee?

If the Court has recently ruled on a matter, will you provide the Committee with your views on the Court's ruling?

If a matter is long settled, will you provide the Committee with your views on the Court's ruling?

Once this baseline has been established, the following questions should shed light on nominee's approach to some major issues of our day.

1. Lloyd Cutler, speaking as a prominent corporate attorney, once said: "There is one point I want to make clear: we believe in the arguments that we make." Do you believe the arguments you have made on behalf of your corporate clients?

2. Do you believe limits on television station ownership abridge the free speech rights of corporate broadcasters?

3. What is your view of the First Amendment rights of the listeners being paramount to those of the broadcasters as articulated by the Court in *Red Lion Broadcasting Co. v. FCC*, 395 U. S. 367 (1969)?

4. Do you see a problem when corporations are treated as equal participants, with every right to use their First Amendment rights to dominate public policy debates such as those that occur in state and local referenda?

5. Do you believe the Court should uphold state and Congressional limits on corporate political expression in order to equalize contributions to public debates?

6. Do you believe that a strict reading of the Constitution provides for the treatment of corporations as "persons" under the law for purposes of equal protection, freedom of speech or due process of law? And, if so, what in the Constitution's text provides a basis for this belief?

7. Many observers complain that law firms representing large corporations routinely abuse the discovery process in order to delay and harass their opponents. Have you observed that phenomenon? If so, what should be done about it?

8. In 1986, in *Pacific Gas & Elec. Co. v. Public Util. Comm'n of Cal.*, 475 U.S. 1 (1986) the Supreme Court (5 to 3) struck down a state regulation as violating a utility company's "right of conscience" under the First Amendment. What makes the case particularly unsettling is its disconnectedness to opinions past and future. As Justice Rehnquist observed in his lengthy dissenting opinion in the case, "the two constitutional liberties most closely analogous to the right to refrain from speaking—the Fifth Amendment right to remain silent and the constitutional right of privacy—have been denied to corporations based on their corporate status." Do you think it makes sense to attribute a right of conscience to a commercial corporation?

9. Would any trade agreement, such as GATT, NAFTA, or CAFTA ever require Senate ratification as a treaty?

10. Does the President have complete discretion to determine whether an international trade or other agreement must be submitted to the Senate for two-thirds treaty approval? If not, what are the criteria that determine when an international agreement must be submitted to the Senate for two-thirds treaty approval?

11. Are there limits on Congress' power to strip federal courts of jurisdiction over a particular issue? If so, what are such limits?

12. Do you believe victims of defective products that meet federal standards should be limited from recovering damages from the manufacturers of the defective products?

13. Do you believe Congress should federalize and pre-empt state products liability common law in any or all sectors?

14. Plaintiffs' trial lawyers have been blamed by their corporate critics for all sorts of problems with the economy and

legal profession. Do you believe that those representing injured persons in product liability and medical malpractice cases are harming America?

15. So-called tort-reform is aimed at restricting the amount of non-economic damages, such as pain and suffering, a party can receive. Are you concerned that this interferes with the traditional role of juries and judges to find facts and mete out appropriate justice?

16. Do you believe the use of the government contractor defense should be limited in nonmilitary procurement? If so, how?

17. Some people say the Ninth Amendment can play no substantive role in protecting rights, that it's merely a statement of principle or reminder of limited government. Do you agree?

18. A number of legal scholars argue that the 11th Amendment has been interpreted by the Court to shield states from liability for wrongdoing in a way that blatantly contravenes the original intention of the Amendment. Are you familiar with that scholarship and do you find it persuasive?

19. In what circumstances, if any, is it appropriate for a contractual arbitration clause to contract away substantive contract law, tort, or statutory rights? For instance, can an arbitration clause require arbitration of a worker's Title VII rights and at the same time limit the worker's compensatory damages to \$200,000? Can that same clause require the loser to pay the winner's attorney's fees? Can that clause require that the parties to arbitration bear their own attorney's fees?

20. Describe the presumption against preemption of state law. Does it apply in some or all instances where federal law is said to preempt state law?

21. Is the presumption against preemption of state law (by federal law) similar to the plain statement rule that demands that Congress speak with unmistakable clarity if it wishes to override the states' sovereign immunity? If the presumption against preemption is not similar to the plain statement rule, explain how it is different?

22. How is the presumption against preemption applied in cases where federal regulatory law (regulating, for instance, drugs, boats, pesticides, motor vehicles, and the like) is said to preempt state tort law that provides monetary remedies to compensate for injuries caused by a product that the federal government regulates?

23. Do you believe Congress should preempt the state-law-based medical malpractice system?

24. What are your views on the "American rule" as opposed to the English rule under which the losing party in litigation generally pays the winner's costs, including attorney's fees?

25. What has been your reaction or views on Congressional funding levels for federally funded legal services programs over the last two decades? Should government be responsible for funding representation for poor people in civil litigation where important property or liberty interests are at stake? Or should that be mainly or entirely a private function?

26. Some scholars and judges believe that "Originalism" is the only principled method of constitutional interpretation. Do you agree?

27. Do you believe that a declaration of war by Congress is Constitutionally required for the United States to engage in war?

28. Does a Congressional delegation of the war-making discretion to the President in the form of a war resolution meet the test of Article One, Section Eight of the Constitution?

29. What level of equal protection scrutiny was applied in *Bush v. Gore*, 531 U.S. 98 (2000)?

30. What is the precedential effect of *Bush v. Gore*? In other words, what kinds of equal protection claims does *Bush v. Gore* control or apply to? After *Bush v. Gore*, may a political entity (city, county, state) holding an election use more than one type of voting methodology (paper ballots, standard machines, punch cards, etc.) knowing that the error rates (whether through undercounts or otherwise) are different from one methodology to another?

31. Is there a need to amend our open government laws to make the President subject to them in whole or in part? Would such amendments be constitutional?

32. Do you believe arguments before the Supreme Court should be televised in the way C-SP AN televises Congressional deliberations?

33. In your view, is the Freedom of Information Act functioning properly at this time? If not, what are the major problems facing the Act?

34. In *Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources*, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's *Buckhannon* decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that *Buckhannon* applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand *Buckhannon* to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's *Buckhannon* decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the *Buckhannon* decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 *Georgetown Journal of Legal Ethics* titled *Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages* states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

#### A TRIBUTE TO EDA KAMINSKI

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of a truly extraordinary woman, Eda Kaminski, who passed away on September 6, 2005. We celebrate her remarkable life for the perseverance, tenacity and grit that helped her survive four German concentration camps and the resilience and resourcefulness that allowed her to prosper when she immigrated to America.

Eda was born in the mountain village of Zawoja, Poland on July 22, 1916. She was married in 1939 to Salek Künstler in Krakow two days before the Germans invaded Poland and began the Second World War. Their daughter, Anita was born in 1942 and fortunately was smuggled out before the Krakow ghetto was destroyed. Eda and her husband were sent to Plaszow. The Germans separated Eda from Salek and later murdered him. Eda struggled and survived Auschwitz and Bergen-Belsen, where many of those too sick to work were sent. The camp was liberated by British troops in April 1945.

After the war Mrs. Kaminski found Anita hidden by a Catholic family in Krakow. Even though she had a sister who lived outside of London, most of Eda's family was killed in the Holocaust. Without resources or help, Eda and Anita moved to a Displaced Persons camp in Selb, Germany. It was there that she met her husband Reuven Kaminski and finally in 1949, they immigrated to New York to begin a new life. Their son, Harvey Kaminski became a successful financier in the New York area. Her daughter, Anita K. Epstein, came to Washington and pursued a successful career in government relations.

Mr. Speaker, her truly incredible and inspiring story was chronicled in the *Washington Post* on September 20, 2003. I ask that the text of the article be included in the CONGRESSIONAL RECORD. Once again, I ask my colleagues to join me in honoring her extraordinary life.

IN THE HOLOCAUST, HIDE-AND-SEEK WAS NO GAME

(By Reilly Capps)

Under glass in the new exhibit at the U.S. Holocaust Museum is a letter. It was written in 1943 by Eda Kunstler, a prisoner in Plaszow, Poland, the same forced-labor camp where Schindler's list saved a thousand lives. Eda was hoping to save just one life, her baby daughter's, when she wrote these words to a stranger:

"Dear madam,

"I beg you, you are a mother as well, save my child. God will reward you and I will pay you as well. Remember that the child has wealthy parents, and that if we survive you will have everything we promised. . . . Give her food and keep her clean. That is all that a child needs. My child is bathed every day at 8:30, is fed and then placed on her side and she will sleep until 5 or 6 AM. She is fed every three hours, a roll dipped in water, or a roll with butter and sugar, a lot of sugar. . . ."

She prayed her daughter, Anita, would survive. The little girl was born into the Krakow ghetto in late 1942, and so was already a miracle, a little bundle of life amid the canyons of death. Maybe there would be another miracle, Eda thought, and Anita would survive the ghetto's liquidation. Maybe her husband had been right. He was a rational man, the wealthy co-owner of a leather factory, and he told her that babies weren't useful to the Nazis, that the baby would be killed instantly, that the baby's only chance was in hiding. He told her all these things as he pried the little girl from her arms.

"I didn't want to give it," Eda says now, "but he took the baby."

He slipped the baby in a canvas sack, got in a taxi and headed for the gentile side of town, where a Catholic woman named Zofji Zandler waited. With a fake birth certificate, Zandler changed Anita's name to Anya and passed her off as her own. She even took her

to church. Which was how it came to pass one Sunday in Krakow that a 3-month-old Jewish girl was baptized Catholic and therefore saved.

According to the museum, more than a million children were killed during the Holocaust, but tens of thousands were hidden during the war and thousands of those survived.

Little Anita is now 60 years old. She's married, has two children of her own, and she cries when she looks at the letter, which is part of "Life in Shadows: Hidden Children and the Holocaust," scheduled to open to the public today. It's written carefully, in Polish. There are no water marks on it, even though her mother was crying as she wrote it.

"Each one of us that survived has a story," says Anita Epstein, a lobbyist in Washington. "It is very powerful. It's very strong for me. Too much. I have to do it in pieces."

The exhibit is almost entirely little pieces, small things that played a small part in some incredible stories. There's a sweater worn by an 8-year-old girl as she cowered in the sewers for more than a year. A wardrobe in which a small boy hid from inspectors. Words from a diary written by an adolescent girl as she hid in an attic in Amsterdam.

"In so many ways, the stories of children's experiences are powerful for everyone—for parents, for children, for the general visitor," says museum curator Steven Luckert. "It deals with so many different emotions: separation, fear, play, education, tough choices."

Flora Singer was 10 years old when the German tanks rolled into Belgium. Her cousin in Nounou was just a baby. Singer was hidden in a secret apartment and in a convent by the legendary Father Bruno, who saved hundreds of children. But not Nounou.

"My mother begged my aunt to let Nounou be hidden, because Father Bruno was willing to hide him also," says Singer. She says her mother said to her aunt: "You can go, but at least let Nounou be hidden." My mother

could not convince her to go to another place, or let Nounou go with Father Bruno.

"The next time my mother came to the apartment with food, maybe five, six days later, the Gestapo had a seal on the door, you know: 'Property of the Third Reich.' My mother ran in and grabbed the photos of the family." One of those photos is displayed in the new exhibit. It's Singer and Nounou, her hands on his arms. They're all smiles.

Singer lives in Montgomery County and volunteers at the museum, but life has never been as simple as it was the day that picture was taken.

"I am here, and [Nounou] is not, and I still can't believe it, even to this day. I say, 'How come I escaped?' It's an enormous feeling of responsibility."

For Eda Kunstler, it was an enormous feeling of guilt. She felt guilty in Plaszow, and in Auschwitz, and she thought of her daughter every single day in both places. And then she got to Bergen-Belsen, and she was too tired to think of anything at all.

Eda survived Bergen-Belsen, survived hunger, survived typhus, even as every member of her family, including her husband, perished. She lives in Queens now, 86 and all alone, but she remembers returning to Poland to look for her only living relative, her daughter.

She found her on a stoop in Katowice, eating a roll and frankfurter. There were 20 kids hanging around, but Eda could tell right away which girl was hers.

"I am your mother," she told her daughter.

"No, you are not my mother," Anita said.

"My mother is inside."

Eda cried, because she knew the letter had worked.

"Dear Madam, my husband and I are convinced and believe that you will save our wonderful child . . . be her mother and give her love, because I her mother cannot give her anything."

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 2862, Commerce/Justice/Science Appropriations.

Senate passed H.R. 3768, Hurricane Katrina Tax Relief Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S10057–S10163*

**Measures Introduced:** Eleven bills and six resolutions were introduced, as follows: S. 1706–1716, and S. Res. 239–244. **Page S10119**

#### Measures Reported:

S. 360, to amend the Coastal Zone Management Act, with an amendment in the nature of a substitute. (S. Rept. No. 109–137) **Page S10119**

#### Measures Passed:

**Hurricane Katrina Tax Relief Act:** Committee on Finance was discharged from further consideration of S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10066–67**

Grassley/Baucus Amendment No. 1722, in the nature of a substitute. **Page S10067**

A unanimous-consent agreement was reached providing that the bill be held at the desk. **Page S10067**

Subsequently, the passage of the bill was vitiated and ordered placed on the Senate Calendar.

**Page S10147**

**Sportfishing and Recreational Boating Safety Amendments Act:** Senate passed H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, after agreeing to the following amendment proposed thereto:

**Page S10067**

Grassley (for Bond/Murray) Amendment No. 1723, to make technical corrections to Public Law 109–59. **Page S10067**

**Commerce/Justice/Science Appropriations:** By a vote of 91 yeas to 4 nays (Vote No. 235), Senate passed H.R. 2862, making appropriations for the

Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto:

**Pages S10058, S10070–79**

#### Adopted:

By a unanimous vote of 99 yeas (Vote. 231), Grassley Modified Amendment No. 1713, to provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002. **Pages S10064–65**

Shelby (for Kyl) Amendment No. 1719, to provide \$5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs. **Page S10065**

Shelby (for Baucus) Amendment No. 1720, to provide funds for economic adjustment and development to areas impacted by Hurricane Katrina. **Page S10065**

**Page S10065**

Shelby (for Durbin/Coburn) Amendment No. 1721, to permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the Medicare, Medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate. **Pages S10065–66**

By a unanimous vote of 96 yeas (Vote No. 233), Shelby (for Snowe/Vitter) Amendment No. 1717, to provide assistance for small businesses damaged by Hurricane Katrina. **Pages S10070–71**

Shelby (for Inouye) Amendment No. 1716, to extend the provisions on an expiring provision of the Universal Service Antideficiency Temporary Suspension Act. **Page S10072**

Shelby (for Kerry) Modified Amendment No. 1724, to reduce fees on loans to small businesses. **Page S10072**

**Page S10072**

Shelby (for Reid) Amendment No. 1725, to provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services. **Page S10072**

Rejected:

By 39 yeas to 60 nays (Vote No. 232), Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. **Pages S10061–65**

Withdrawn:

Kerry/Landrieu Amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and home owners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy. **Page S10071**

Bingaman Amendment No. 1706, to provide funds for educational assistance to individuals and schools impacted by Hurricane Katrina.

**Pages S10060–61, S10071–72**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order that Kyl Amendment No. 1718, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, violates Rule XVI of the Standing Rules of the Senate, which constitutes general legislation on an appropriations bill, and therefore was ruled out of order. **Pages S10059–60**

By 43 yeas to 52 nays (Vote No. 234), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XVI, pursuant to notice previously given in writing, relative to Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. Subsequently, the Chair sustained the point of order that the amendment was in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell. **Page S10073**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Bond, Cochran, Mikulski, Inouye, Leahy, Kohl, Murray, Harkin, Dorgan, and Byrd. **Page S10079**

*Hurricane Katrina Tax Relief Act:* Senate passed H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina, after agreeing to the following amendment proposed thereto: **Page S10147**

Frist (for Grassley/Baucus) Amendment No. 1728, in the nature of a substitute. **Page S10147**

*Supporting the Pledge of Allegiance:* Senate agreed to S. Res. 243, expressing support for the Pledge of Allegiance. **Pages S10147–48**

*Supporting the Pledge of Allegiance:* Senate agreed to S. Res. 244, expressing support for the Pledge of Allegiance. **Page S10148**

*Pell Grant Hurricane and Disaster Relief Act:* Senate passed H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster, clearing the measure for the President. **Page S10149**

*Student Grant Hurricane and Disaster Relief Act:* Senate passed H.R. 3668, to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster, clearing the measure for the President. **Page S10149**

*TANF Emergency Response and Recovery Act:* Senate passed H.R. 3672, to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families, clearing the measure for the President. **Pages S10149–50**

*Recognizing American Academy of Pediatrics 75th Anniversary:* Committee on the Judiciary was discharged from further consideration of S. Res. 204, recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization, and the resolution was then agreed to. **Page S10150**

*Opposing Anti-Semitism:* Senate agreed to S. Res. 240, expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States. **Pages S10150–51**

*Leukemia, Lymphoma, and Myeloma Awareness Month:* Senate agreed to S. Res. 241, designating September 2005, as “Leukemia, Lymphoma, and Myeloma Awareness Month”; **Page S10151**

*Agriculture Appropriations:* Senate began consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, agreeing to the committee amendment in the nature of a substitute,

which will be considered as original text for the purpose of further amendment, and taking action on the following amendment proposed thereto:

**Pages S10080–S10103**

Pending:

Bennett/Kohl Amendment No. 1726, to amend the Rural Electrification Act of 1936.

**Pages S10101–03**

A unanimous-consent agreement was reached providing for consideration of the bill at 3 p.m. on Monday, September 19, 2005.

**Page S10154**

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the recommendations of the Defense Base Closure and Realignment Commission; which was referred to the Committee on Armed Services. (PM–22)

**Page S10117**

**Nominations Received:** Senate received the following nominations:

Michael R. Arietti, of Connecticut, to be Ambassador to the Republic of Rwanda.

Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the Rank of Ambassador.

Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.

Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

2 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army, Coast Guard, Navy.

**Pages S10155–63**

**Messages From the House:** **Pages S10117–18**

**Measures Referred:** **Page S10118**

**Measures Placed on Calendar:** **Page S10118**

**Measures Read First Time:** **Page S10118**

**Executive Communications:** **Pages S10118–19**

**Additional Cosponsors:** **Pages S10119–21**

**Statements on Introduced Bills/Resolutions:** **Pages S10121–31**

**Additional Statements:** **Pages S10115–17**

**Amendments Submitted:** **Pages S10131–45**

**Notices of Hearings/Meetings:** **Page S10146**

**Authority for Committees to Meet:** **Page S10146**

**Privilege of the Floor:** **Page S10147**

**Record Votes:** Five record votes were taken today. (Total—235) **Pages S10064–65, S10071, S10073, S10079**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 8:39 p.m., until 2 p.m., on Monday, September 19, 2005. (For Senate's program, see the

remarks of the Majority Leader in today's Record on page S10155.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### **CAPITOL VISITOR CENTER**

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded a hearing to examine the progress of Capitol Visitor Center construction, focusing on the Architect of the Capitol's progress in managing the project's schedule since the Subcommittee's last hearing on the project, estimate of a general time frame for completing the construction, and the costs and funding, including the potential impact of scheduling issues on cost, after receiving testimony from Alan Hartman, Architect of the Capitol; Bernard L. Ungar, Director, and Terrell Dorn, Assistant Director, both of Physical Infrastructure Issues, Government Accountability Office.

### **NOMINATIONS:**

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of Keith E. Gottfried, of California, to be General Counsel, Kim Kendrick, of the District of Columbia, who was introduced by Senator Santorum, Keith A. Nelson, of Texas, and Darlene F. Williams, of Texas, each to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, who was introduced by Senator DeWine, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, who was introduced by Senator Santorum, all of the Department of Commerce, after the nominees testified and answered questions in their own behalf.

### **U.S.-INDONESIA RELATIONS**

*Committee on Foreign Relations:* Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine U.S.-Indonesia relations, focusing on a bilateral relationship with Indonesia, after receiving testimony from Eric G. John, Deputy Assistant Secretary of State for Bureau of East Asian and Pacific Affairs; James R. Kunder, Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; Hadi Soesastro, Centre for Strategic and International Studies, Jakarta, Indonesia; Randolph Martin, Mercy Corps, Washington, D.C.; and Paul M. Cleveland, Arlington, Virginia.

**NOMINATIONS:**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Stewart A. Baker, of Virginia, who was introduced by Senator McCain and former Senator Robb, and Julie L. Myers, of Kansas, who was introduced by Senator Roberts, each to be an Assistant Secretary of Homeland Security, after the nominees testified and answered questions in their own behalf.

**NOMINATION**

*Committee on the Judiciary:* Committee concluded hearings on the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States Supreme Court, after the nominee further answered questions in his own behalf. Also, testimony was received from Representative John Lewis; Jennifer Cabranes Braceras and Peter Kirsanow, each a Commissioner, U.S. Commission on Civil Rights; Dick Thornburgh, former Attorney General of the United States; Carol M. Browner, former Administrator, Environmental Protection Agency; John Engler, former Michigan Governor, Lansing; Bruce Botelho, former Alaska Attorney General, Juneau; Judge Nathaniel Jones, U.S. Circuit Court of Appeals to the Sixth Circuit (Retired); Judge Denise Lindberg, Third District of the Utah State Court, Salt Lake City; Stephen L. Tober, Portsmouth, New Hampshire, Tom Hayward, Chicago, Illinois, and Pamela A. Bresnahan, Washington, D.C., all on behalf of the American Bar Association; Reginald M. Turner, Jr., National Bar Association, Detroit, Michigan; Wade Henderson, Leadership Conference on Civil Rights, Maureen E. Mahoney, Latham & Watkins, Catherine E. Stetson, Hogan & Hartson, Marcia Greenberger, National Women's Law Center, Peter B. Edelman,

Georgetown University Law Center, and Diana Furchtgott-Roth, Hudson Institute, all of Washington, D.C.; Kathryn Webb Bradley, Duke Law School, Durham, North Carolina; Charles Fried, Harvard Law School, Cambridge, Massachusetts; Patricia L. Bellia, Notre Dame Law School, South Bend, Indiana; Judith Resnik, Yale Law School, New Haven, Connecticut; Christopher S. Yoo, Vanderbilt University Law School, Nashville, Tennessee; David Strauss, University of Chicago Law School, and Susan Thistlethwaite, Chicago Theological Seminary, both of Chicago, Illinois; Robert Reich, Brandeis University, Waltham, Massachusetts; Anne Marie Tallman, Mexican American Legal Defense and Education Fund, Los Angeles, California; Rabbi Dale Polakoff, Rabbinical Council of America, Great Neck, New York; Karen Pearl, Planned Parenthood Federation of America, New York, New York; Henrietta Wright, Dallas, Texas, on behalf of the Dallas Children's Advocacy Center; Roderick Jackson, Ensley High School, Birmingham, Alabama; and Beverly Jones, Lafayette, Tennessee.

**BUSINESS MEETING**

*Committee on Veterans Affairs:* Committee ordered favorably reported the following bills:

S. 1182, to amend title 38, United States Code, to improve health care for veterans, with an amendment in the nature of a substitute, (as approved by the Committee, the substitute amendment incorporated related provisions of S. 1182, as introduced, and provisions of S. 1177, S. 1189, and S. 1190); and

S. 716, to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs.

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## House of Representatives

**Chamber Action**

**Public Bills and Resolutions Introduced:** 35 public bills, H.R. 3784–3818; 5 private bills, H.R. 3819–3823; and 8 resolutions, H. Con. Res. 244–245; and H. Res. 444–449 were introduced.

**Pages H8087–88**

**Additional Cosponsors:**

**Page H8088**

**Reports Filed:** There were no reports filed today.

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Katrina Emergency Tax Relief Act of 2005:* H.R. 3768, amended, to provide emergency tax relief for persons affected by Hurricane Katrina.

**Pages H8014–22**

**A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:** The House passed H. Res. 437, to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

**Pages H7965–H8014, H8022–31, H8056–57**

H. Res. 439, the rule providing for consideration of the bill was agreed to by a recorded vote of 221 ayes to 193 noes, Roll No. 472, after agreeing to order the previous question by a yea-and-nay vote 222 yea to 193 nay, Roll No. 471. **Pages H8013–14**

**Coast Guard and Maritime Transportation Act of 2005:** The House passed H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard by a yea-and-nay vote of 415 yeas with none voting “nay”, Roll No. 474.

**Pages H7963–65, H8031–56**

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, now printed in the bill shall be considered as an original bill for the purpose of amendment. **Page H8036**

Agreed to:

LoBiondo amendment (No. 11 printed in the Congressional Record) that authorizes additional funding for operation and maintenance of the Coast Guard as a result of Hurricane Katrina and to add certain other sundry provisions; **Pages H8036–45**

Young of Alaska amendment (No. 13 printed in the Congressional Record) that will confirm the legality of allowing foreign workers to work on U.S.-flag vessels on international voyages to conduct various non-watchstanding functions. The amendment also requires these foreign personnel to possess a transportation security card, when required by 46 U.S.C. § 70105; **Page H8045**

Young of Alaska amendment (No. 15 printed in the Congressional Record) to include provisions regarding eligibility to participate in the Western Alaska Community Development Quota Program; **Page H8046**

Young of Alaska amendment (No. 14 printed in the Congressional Record) that adjusts the Voluntary Three-Pie Cooperative Program implementing regulations in regard to quotas for crab fisheries of the Bering Sea and Aleutian Islands which was implemented under Public Law 108–199; **Page H8046**

Souder amendment (No. 10 printed in the Congressional Record) which authorizes funding for the Bureau for International Narcotics and Law Enforcement Affairs (INL) to purchase or lease a maritime refueling vessel to support United States drug interdiction efforts in the Eastern Pacific maritime transit zone; **Pages H8046–47**

Fossella amendment (No. 4 printed in the Congressional Record) that requires ferries that carry 399 passengers or more to have voyage data recorders on board. It would also authorize funding for the program; and **Pages H8050–52**

Sanchez of California amendment, as modified (No. 2 printed in the Congressional Record) would

have the Commandant of the Coast Guard review the adequacy of the strength of the active duty personnel to carry out all the Coast Guard’s missions. **Page H8051**

Rejected:

Markey amendment (No. 6 printed in the Congressional Record) that sought to require the Coast Guard to perform an assessment of the security and safety of all new or expanded Liquefied Natural Gas (LNG) terminals, and provides the Commandant of the Coast Guard with the power to block construction of new terminals or expansion of existing terminals based on security or safety concerns (by a recorded vote of 106 ayes to 316 noes, Roll No. 473). **Pages H8047–50, H8055**

Withdrawn:

Oberstar amendment that was offered and subsequently withdrawn that sought to make technical and conforming changes; **Pages H8041–42**

Markey amendment (No. 7 printed in the Congressional Record) was offered and subsequently withdrawn that sought to require the Secretary of Homeland Security to reimburse port authorities, facility operators, and State and local agencies that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans; and **Pages H8052–53**

Markey amendment (No. 9 printed in the Congressional Record) was offered and subsequently withdrawn that sought to provide that when the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the Area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future hurricane or other natural disaster or terrorist attack. It would also require the Coast Guard to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or in other sensitive areas that might have important economic or national security significance. **Pages H8053–55**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. **Page H8057**

H. Res. 440, the rule providing for consideration of the bill was agreed to by voice vote after agreeing to order the previous question without objection. **Pages H7963–65**

**Meeting Hour:** Agreed that when the House adjourn today, it adjourn to meet at 12 noon on Monday, September 19, and when the House adjourns on

Monday, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for Morning Hour debate.

Page H8060

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, September 21.

Page H8060

**Committee Elections:** The House agreed to H. Res. 445, electing the following Members and Delegates to the following standing committees: Pages H8060–61

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.

Page H8061

Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.

Page H8061

Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.

Page H8061

Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

Page H8061

**Sense of Congress Welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005:** The House agreed to H. Con. Res. 237, expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20.

Page H8061

Agreed to the Chabot amendment to the preamble of the measure.

Page H8061

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

Page H8062

**Presidential Message:** Read a message from the President wherein he transmitted to Congress the report containing the recommendations of the Defense Base Closure and Realignment Commission—referred to the Committee on Armed Services and ordered printed (H. Doc. 109–56).

Page H8061

**Senate Message:** Message received from the Senate today appears on pages H7961 and H8031.

**Quorum Calls—Votes:** Three yea-and-nay votes and 2 recorded votes developed during the proceedings of today and appear on pages H8013, H8014, H8055, H8056 and H8056–57. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:37 p.m.

## Committee Meetings

### NATIONAL ANIMAL IDENTIFICATION SYSTEMS

*Committee on Agriculture:* Held a hearing to review Canada and Australia's experience with imple-

menting national animal identification systems. Testimony was heard from public witnesses.

### ISSUANCE OF SUBPOENAS

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations authorized the issuance of subpoenas duces tecum to the Jockeys' Guild and to Matrix Capital Associates, Inc.

### KATRINA/EMERGENCY HOUSING

*Committee on Financial Services:* Subcommittee on Housing and Community Opportunity held a hearing entitled "Emergency Housing Needs in the Aftermath of Hurricane Katrina." Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES; COMMITTEE REPORT

*Committee on Government Reform:* Ordered reported the following measures: H. Con. Res. 59, Recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; H. Con. Res. 209, Supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; H.J. Res. 61, Supporting the goals and ideals of Gold Star Mothers Day; H.R. 2062, To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building;" H.R. 2413, To designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building;" H.R. 3439, To designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office;" H.R. 3440, To designate the facility of the United States Postal Service located at 100 Avenida RL Rodreguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building;" H.R. 3667, To designate the facility of the United States Postal Service located at 200 South Barrington Street In Los Angeles, California, as the "Karl Malden Station;" H.R. 3703, To designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building;" S. 1275, To designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building;" S. 1223, Information Technology for Health Care Quality Act; a Committee Report entitled "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records;" H.R. 3508, amended, 2005 District of Columbia Omnibus Authorization Act; H.R. 3128, Clarification of Federal Employment Protections Act; H.R. 3767, To designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L.

Frazier Post Office Building;” H. Res. 429, Congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series.

### KATRINA LESSONS LEARNED

*Committee on Government Reform:* Held a hearing entitled “Back to the Drawing Board: A First Look at Lessons Learned from Katrina.” Testimony was heard from the following officials of the State of California: Constance Perett, Administrator, Office of Emergency Management, County of Los Angeles; and Ellis Stanley, General Manager, Emergency Preparedness Department, City of Los Angeles; Robert C. Bobb, City Administrator, District of Columbia; the following officials of the State of Florida: Tony Carper, Jr., Director, Emergency Management Agency, Broward County; and Chief Carlos Castillo, Director, Office of Emergency Management, Miami-Dade County; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on International Relations:* Ordered reported the following measures: H. Con. Res. 195, amended, Commemorating the Armenian Genocide of 1915–1923, urging the Government of the Republic of Turkey to acknowledge the culpability of its predecessor state, the Ottoman Empire, for the Armenian Genocide and engage in rapprochement with the Republic of Armenia and the Armenian people, and supporting the accession of Turkey to the European Union if Turkey meets certain criteria; H. Res. 316, Affirmation of the United States Record on the Armenian Genocide Resolution; and H.R. 1973, amended, Water for the Poor Act of 2005.

The Committee approved a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H.R. 1409, amended, Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005; H.R. 3184, To ensure that countries that have signed a Small Quantities Protocol also sign, ratify, and implement the Additional Protocol and provide access by IAEA inspectors to their nuclear-related facilities and to direct the United States Permanent Representative to the IAEA to make every effort to rescind and eliminate the Small Quantities Protocol and ensure compliance by all Member States of the IAEA with IAEA obligations and the purposes and principles of the Charter of the United Nations; H.R. 3269, To amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; H. Res. 38, amended, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); H. Res. 388, Expressing the sense of the House of Representatives regarding the July, 2005, measures of

extreme repression on the part of the Cuban Government against members of Cuba’s prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations; H. Res. 409, Condemning the Government of Zimbabwe’s “Operation Murambatsvina” under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to “restore order” to the country; H. Con. Res. 237, amended, Expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; and H. Con. Res. 238, amended, Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979.

### PATENT ACT SUBSTITUTE

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property held a hearing entitled “An Amendment in the Nature of a Substitute to H.R. 2795, ‘The Patent Act of 2005.’” Testimony was heard from public witnesses.

### FOREIGN NATIONALS/ESPIONAGE

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled “Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage,” Testimony was heard from Michelle Van Cleave, National Counterintelligence Executive, Office of the Director of National Intelligence; Maynard Anderson, former Deputy Under Secretary, Security Policy, Department of Defense; and public witnesses.

### CYBERSECURITY/PROTECTING CRITICAL INDUSTRIES

*Committee on Science:* Held a hearing on Cybersecurity: How Can the Government Help Address Vulnerabilities in Critical Industries? Testimony was heard from Donald Purdy, Acting Director, National Cyber Security Division, Department of Homeland Security; and public witnesses.

### ENDANGERED SPECIES ACT IMPROVEMENTS

*Committee on Small Business:* Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled “The Need for Improvements and More

Incentives in the Endangered Species Act.” Testimony was heard from Representative Pombo; Mike Wells, Chief of Water Resources, Department of Natural Resources, State of Missouri; and public witnesses.

#### **BRIEFING—INSPECTOR GENERAL’S 9/11 ACCOUNTABILITY REPORT**

*Permanent Select Committee on Intelligence:* Met in executive session to receive a Briefing on Inspector General’s 9/11 Accountability Report. The Committee was briefed by departmental witnesses.

#### **RESOLUTION—REQUESTING THE PRESIDENT FOR DOCUMENTS RELATING TO THE DISCLOSURE OF THE IDENTITY AND EMPLOYMENT OF VALERIE PLAME**

*Permanent Select Committee on Intelligence:* Met in executive session and ordered adversely reported H. Res. 418, Requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame.

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#### **COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 16, 2005**

*(Committee meetings are open unless otherwise indicated)*

##### **Senate**

No meetings/hearings scheduled.

##### **House**

No committee meetings are scheduled.

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#### **CONGRESSIONAL PROGRAM AHEAD**

**Week of September 19 through September 24, 2005**

##### **Senate Chamber**

On *Monday*, at 3 p.m., Senate will resume consideration of H.R. 2744, Agriculture Appropriations.

During the balance of the week, Senate will consider any other cleared legislative and executive business, including any other appropriation bills, when available.

##### **Senate Committees**

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry:* September 20, business meeting to mark up S. 1582, to reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of

grain required or authorized to be inspected under such Act, 10 a.m., SR-328A.

September 21, Full Committee, to hold hearings to examine the status of the World Trade Organization negotiations on agriculture, 9 a.m., SR-328A.

*Committee on Banking, Housing, and Urban Affairs:* September 20, to hold hearings to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, Terry Neese, of Oklahoma, to be Director of the Mint, and Patrick M. O’Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, all of Department of the Treasury, 10 a.m., SD-538.

September 22, Full Committee, to hold hearings to examine the financial services industry’s responsibilities and role in preventing identity theft and protecting sensitive financial information, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* September 20, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center, 2:30 p.m., SD-562.

September 21, Full Committee, to hold hearings to examine energy prices, 9:30 a.m., SD-562.

September 21, Full Committee, to hold hearings to examine energy prices, 2 p.m., SD-562.

September 22, Full Committee, to hold hearings to examine communications in disaster, 10 a.m., SD-562.

*Committee on Energy and Natural Resources:* September 20, to hold hearings to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including 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, 10 a.m., SD-366.

September 22, Subcommittee on National Parks, to hold hearings to examine S. 435, 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, S. 1096, 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, S. 1310, 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, 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, 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, 2:30 p.m., SD-366.

*Committee on Environment and Public Works:* September 21, Subcommittee on Fisheries, Wildlife, and Water, to

hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments, 9:30 a.m., SD-406.

September 22, Full Committee, to hold hearings to examine the nominations of George M. Gray, of Massachusetts, to be an Assistant Administrator, and Lyons Gray, of North Carolina, to be Chief Financial Officer, both of the Environmental Protection Agency, Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission, H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, Department of the Interior, and Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development, 2:30 p.m., SD-406.

*Committee on Foreign Relations:* September 19, to hold hearings to examine the nominations of C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, Francis Rooney, of Florida, to be Ambassador to the Holy See, and Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal, 2:30 p.m., SD-419.

September 20, Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine China's role in Latin America, 2:30 p.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* September 22, Subcommittee on Education and Early Childhood Development, to hold hearings to examine Hurricane Katrina's displaced school children, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* September 21, to hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks, 10 a.m., SD-342.

September 22, Full Committee, to resume hearings to examine issues relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow, 10 a.m., SD-342.

September 22, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine cost and payment plans for the Medicare Modernization Act and if the new legislation will meet the needs of seniors, 2:30 p.m., SD-342.

*Committee on Indian Affairs:* September 21, to hold an oversight hearing to examine Indian gaming, 9:30 a.m., SR-385.

*Committee on the Judiciary:* September 20, to hold hearings to examine the taking of homes and other private property relating to the Kelo Decision, 10 a.m., SD-226.

September 21, Full Committee, to hold hearings to examine able danger and intelligence information sharing, 9:30 a.m., SD-226.

*Committee on Small Business and Entrepreneurship:* September 21, to hold hearings to examine the impact of Hurricane Katrina on small businesses, 10 a.m., SR-428A.

*Committee on Veterans' Affairs:* September 20, to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.

## House Committees

*Committee on Armed Services,* September 20, to mark up H. Res. 417, Directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame, 7 p.m., 2118 Rayburn.

September 21, Threat Panel, hearing on threats in Latin America, 10 a.m., 2118 Rayburn.

September 22, Threat Panel, hearing on threats in Eurasia, 10 a.m., 2118 Rayburn.

*Committee on Energy and Commerce,* September 21, Subcommittee on Energy and Air Quality, hearing entitled "An Update on the California Electricity System and Markets," 1 p.m., 2322 Rayburn.

*Committee on Government Reform,* September 21, Subcommittee on Government Management, Finance, and Accountability, hearing entitled "Implementing Cost Accounting at the Department of Veterans Affairs and the Department of Labor," 2 p.m., 2247 Rayburn.

*Committee on House Administration,* September 22, hearing entitled "Political Speech on the Internet: Should It Be Regulated?" 9 a.m., 1310 Longworth.

*Committee on International Relations,* September 21, Subcommittee on Asia and the Pacific, hearing on The United States and Southeast Asia: Developments, Trends, and Policy Choices, 11:30 a.m., 2172 Rayburn.

September 22, full Committee, hearing on United States Policy in Afghanistan: Establishing Democratic Governance and Security in the Wake of Parliamentary Elections, 10:30 a.m., 2172 Rayburn.

*Committee on the Judiciary,* September 22, Subcommittee on the Constitution, oversight hearing entitled "The Supreme Court's *Kelo* Decision and Potential Congressional Responses," 11 a.m., 2141 Rayburn.

September 22, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing entitled "Reducing Peer-To-Peer Piracy (P2P) on University Campuses: A Progress Update," 9 a.m., 2141 Rayburn.

*Committee on Resources,* September 21, hearing on the Threatened and Endangered Species Recovery Act of 2005, 10 a.m., 1324 Longworth.

September 23, Subcommittee on Fisheries and Oceans, hearing on the following bills: S. 260, and H.R. 2018, Partners for Fish and Wildlife Act, 10 a.m., 1324 Longworth.

*Committee on Science,* September 21, hearing on NOAA Hurricane Forecasting, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* September 21, hearing entitled "Reforming the Tax Code to Assist Small Businesses," 2 p.m., 2360 Rayburn.

September 22, Subcommittee on Regulatory Reform and Oversight, hearing entitled "Entrepreneur Soldiers Empowerment Act (ESEA)," 2 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* September 21, Subcommittee on Railroads, oversight hearing on Amtrak Reform Proposals, 10 a.m., 2167 Rayburn.

**Joint Meetings**

*Joint Meetings:* September 20, Senate Committee on Veterans' Affairs, to hold joint hearings with the House

Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 10 a.m., 345 CHOB.

Next Meeting of the SENATE

2 p.m., Monday, September 19

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, September 19

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 2744, Agriculture Appropriations.

House Chamber

**Program for Monday:** The House will meet in pro forma session at 12 noon.

Extensions of Remarks, as inserted in this issue

HOUSE

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