

This chart demonstrates that the economy remains strong. Last week's number said that economic growth in the first quarter was 4.8 percent.

As you can see on the chart, that is the highest number since we had the spike in 2003.

Each one of these dark figures represent a quarter and demonstrates that the economy has now grown ever since the end of the recession in 2001. We had weak growth for the first little while and then the economy has been growing very strongly ever since.

This a very strong and vibrant economy, as Chairman Bernanke made clear in his testimony to the Joint Economic Committee.

People want to talk about jobs. Let us look at the unemployment rate.

If you will notice, the shaded areas in the chart represent the last three recessions. In the recession of the 1980s, unemployment got into double digits—10.8 percent is where it spiked. In the recession that occurred in the early 1990s, unemployment got to 7.8 percent—spiked at that point. In the recession we just had, unemployment spiked at 6.3 percent, a relatively low level, but it has been zinging ever since, and it is now at 4.7 percent.

I have sections of my State—and I trust others have in theirs—where there are more jobs than there are people, where people are looking for jobs. The unemployment rate is going down and demonstrating the strength of this economy as it generates new jobs.

Here is the flip side of that. This chart shows payroll jobs either lost or created.

Here, each bar represents a month. Starting in 2003, instead of losing jobs, we began to gain jobs each month. And there are over 5.1 million new payroll jobs that have been created since the Senate and the House passed the 2003 Tax Relief Act.

More Americans are working today than at any other time in our history. There are more jobs today than at any other time in our history. This is a consequence of the robust economy.

The next chart shows the growth of business investment. You will notice there are no dates. These are quarters. The red shows quarters in which business investment shrank and the blue shows quarters in which business investment grew.

I ask as a test for people: What is the date when the bars went from red to blue? We didn't put them on the chart. If you were to guess that it was the first quarter of 2003, the time when the tax cuts took effect, after which the tax cuts changed the pattern for business investment, you would be correct. You can see the dramatic difference between the quarters that preceded the tax relief and the quarters that succeeded it.

I would be the first to concede that it is not a pure cause-and-effect relationship. But I think the chart demonstrates that you cannot discount the fact that the tax cut had a significant beneficial effect on the economy.

Business activity continues to grow.

This chart gets a little bit busy, but the line in the middle is the line between growth and shrinkage. And the two graphs, the red one is the growth in services, the blue one is growth in manufacturing.

For those who say manufacturing is in trouble, look at the facts.

Again, starting in 2003, manufacturing crossed the line and became positive and has been positive ever since.

Yesterday this appeared in the Associated Press:

Manufacturing cranked up. Builders boosted construction spending to an all-time high, and consumers opened their wallets wider, fresh signs that the economy has snapped out of its end of the year slump.

This was the message coming from the latest patch of economic reports released Monday.

A report from the Institute for Supply Management showed that factory activity expanded with gusto in April. The group's manufacturing index rose to 57.3 in April; from 55.2 in March. The showing was much better than the predicted reading of 55 that economists were expecting.

So business activity continues to grow.

To tick off the facts of what has happened since May of 2003 when the tax cuts kicked in, real gross domestic product growth has averaged 4 percent; over 3½ million new payroll jobs have been created; the unemployment rate has fallen to 4.7 percent; manufacturing has expanded for 35 consecutive months; service industries expanded for 36 consecutive months; business investment has increased for 10 consecutive quarters, with growth averaging over 9 percent; inflation-adjusted after-tax income has grown by almost 5 percent; the Dow Jones Industrial Average is up 27 percent; the NASDAQ is up 44 percent; and, taxes paid on capital gains was \$80 billion dollars last year, compared to taxes paid on capital gains in 2002 which was \$49 billion.

We hear a lot of gloom and doom on this floor. We hear a lot of people talking about how bad things are. The facts do not support that.

The economy is strong. The economy is going forward, and the economy is in a boom period and has been since the tax cuts took effect in May of 2003.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3626, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up and pass amendment 3626, as modified. This amendment is noncontroversial but very much needed and has been cleared by both the majority and minority side and all leaders of the relevant committees.

Mr. COCHRAN. Reserving the right to object, No. 3626 is listed on one list of amendments I have as having been passed.

It is pending. It is a community disaster loan limits amendment.

Mr. VITTER. Precisely.

Mr. COCHRAN. Because of some question as to whether this is cleared on the Democratic side, I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. VITTER. Mr. President, I renew my request that amendment No. 3626, as modified, by Senator LANDRIEU and myself, be called up and passed by unanimous consent.

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

The question is on agreeing to the amendment.

The amendment (No. 3626), as modified, was agreed to.

AMENDMENT NO. 3641, DIVISION IV

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment 3641, division IV, be called up.

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

Mr. COBURN. We are considering a very large supplemental spending bill that now stands about \$10 billion larger than what the President has said he will sign. I thought it would be interesting to spend a minute to think about what \$1 billion is because we throw that number around so often. We need to consider that \$1 billion is a difficult number to comprehend.

A billion seconds ago, it was 1959. A billion minutes, ago Jesus was alive. A billion hours ago, some would say our ancestors were living in the stone age. A billion days ago, no one walked on Earth on two feet. A billion dollars was only 8 hours 20 minutes ago at the rate we are spending money in the Federal Government.

A billion is a hard number to get your arms around. It is an interesting number and \$10 billion more than what the President thinks we need. More than what we actually need is a tremendous amount of money.

The second point I make in talking about this amendment is that the money we are going to spend on this emergency supplemental bill we will not ever see anywhere when we come to talk about the deficit because it will not get included in the deficit reported by the Federal Government. What it will get included in is the payments your children and grandchildren will have to pay back 30 years from now, amortized at 6 percent, and that \$10 billion is going to come to about \$50 billion when they pay it back. We are reaching forward and stealing opportunity from our kids.

This particular amendment deals with an item in the supplemental that is meant to help a very significant contractor in our defense industry. They do a lot of great things for this country in terms of supplying jobs, giving us great equipment, great ships, great tools for our men and women to fight with and defend this country. I understand the damage that has occurred in both Pascagoula and all the shipyards along the coast. We are making plans to do what is right. In the supplemental, we put greater than \$1.5 billion toward that.

There is a significant amount of loss that was incurred by Northrop Grumman as the hurricane came on shore and damaged both their facilities and their equipment. They had significant operating losses from that. My problem with the amendment is they have insurance with which to cover this loss. No one knows exactly how much it is going to be. Northrop Grumman says by their own public statements that \$500 million was their business interruption cost insurance, so it could be upward of \$500 million. It is probably somewhere between \$100 and \$200 million.

If we allow this amendment to go through, we set significant precedence that we will be hard pressed to ever break.

First of all, this is a private contractor with insurance who is now suing their insurance company for the claims they have made that will not be adjudicated until 2007.

One of the messages we will send if we pass this supplemental with this in it is we will tell the rest of the defense contractors: You do not have to have business interruption insurance. Why would you have to if the Federal Government is going to come in and pick up the tab?

There is an answer that whatever is collected will come back and be paid to the Navy if, in fact, we intercede in the midst of this contract dispute for Northrop Grumman. I hear what the contracting office says, and it is a fairly important point because the contracting officers and the contracting office know the right of legal loss doctrine. Most of our insurance, whether it is homeowners, auto insurance, or business interruption insurance, runs on the doctrine of legal loss. Legal loss in insurance contracting says that if

you get paid by someone else, we do not have to pay you.

This amendment is not so much about being against helping Northrop Grumman; it is about not helping their insurance firm which actually owes this money, which will be adjudicated in the future, and not limiting their responsibility and not transferring that responsibility from them to our children and our grandchildren.

September 28, 2005—this is the Contract Management Agency for the Defense Department:

This office believes it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman.

In fact, that is exactly right. If we pay the loss, Northrop Grumman does not have a loss, and therefore the legal loss doctrine will apply to this contract, so there will not be a lawsuit. This is in litigation.

I also make the point that Northrop Grumman, by their CEO's own statements this year, said that it continues to expect sales of \$31 billion; earnings per share between 4.25 and 4.40; and cash from operations, free cashflow, between \$2.3 and \$2.6 billion. If this is \$100 million or \$200 million, they have all the capability in the world to borrow that money, pay the interest, and collect the interest charges against the insurance company. We are setting a terrible precedent by doing this.

The other thing we are going to do is send a message to every other defense contractor: Don't get business interruption insurance because we will come in and pick up the tab.

I want them to be fully remunerated. I want the shipyards to be up and running. I want every aspect we can deploy that will make things happen, that will resecure the jobs, resecure our production of ships. But I don't want to do that when Factory Mutual Insurance Company really should be on the hook for this, not our children and our grandchildren.

The other point I make is should companies that contract as defense suppliers and make billions each year be put ahead of the others waiting in line for help? Is it going to be our policy by this bill to further subsidize the business interruption insurance of all the rest of the contractors?

Their own litigation filed in California says:

There is no reason to allow Factory to avoid accountability for its wrongful actions.

I agree. And by keeping this in the bill, we will allow Factory Mutual to avoid accountability for its obligations.

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

Defense Contract Management Agency letter, dated September 28, 2005. There has also been the filing of Northrop Grumman Corporation against Factory Mutual Insurance Company in the U.S. District Court for the Central District of California.

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

DEFENSE CONTRACT
MANAGEMENT AGENCY,

Los Angeles, CA, September 28, 2005.

Memorandum for all Sector Administrative Contracting Officers (ACOs).

Subject: Hurricane Guidance.

Until all avenues for recovery from insurance carriers are exhausted by the contractor it is recommended that Contracting Officers not approve payments for costs associated with or related to the hurricane disaster(s) if such costs are potentially recoverable through insurance by the contractor.

This office believes that it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman. It is my recommendation that insurance policy(s) be reviewed. Additionally it would be prudent to reach an agreement with Northrop and the insurer before making payments for any otherwise allowable costs.

This matter is under continuing review and additional information will be forwarded as appropriate.

Please forward this correspondence to subordinate sector ACOs. Questions should be addressed to me.

DONALD P. SPRINGER,

Defense Corporate Executive.

Mr. COBURN. I also note that Northrop Grumman is the fourth largest defense contractor we have in the country. I also note that Northrop is already the recipient of billions of dollars in Government contracts, including some contracts that otherwise could be considered largess. I will not go into that.

I would make a final note that the House Appropriations Committee, when they passed their bill, put this into the Record:

The Committee believes strongly that funds in this Act and under this heading in prior Acts should not be used to substitute for private insurance benefits. The Committee is aware that some shipyards have business interruption insurance coverage that could potentially overlap with the Navy's budget for increased delay and disruption costs.

I understand the Navy. We have an obligation for delay and disruption costs. There is no question about that.

On March 1, 2006, the Committee received the Navy's certification that there is no overlap between shipyard insurance claims and the Navy's funding plan, and that costs covered by private insurers were not included in supplemental request estimates. Once again in this bill, the Committee directs the Navy not to obligate funds under this heading until the Secretary of the Navy certifies that no such funds will be used for activities or costs that are subject to reimbursement by any third party, including a private insurer.

The final point I would make is the President's message to Congress on why he would be against us funding this. He made some significant points, and I will summarize them. One is they do not think this is necessary. No. 2, it violates clear contracting guidelines. And, No. 3, it sets a terrible precedent for the future, not just on our coast but for any other defense contractor that might have a loss based on a natural catastrophe, that we would now have a precedent that we would supply that.

The American people want to help solve the problems on the gulf coast. We want to create a vigorous business environment. We want to create a vigorous defense industry. This is a step too far. I believe we need to back up and let the private sector take care of its obligations, as it should, to help us meet our obligations and then move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am sympathetic to the Senator's concerns, that he expressed. As I understand the point he makes, it is that we should not create a situation where a shipbuilder can both get disaster funds from the Federal Government and insurance benefits from hurricane coverage and, thereby, be unjustly enriched by getting money from two different sources for one disaster.

The language of the general provision, which the Senator purports to amend with this amendment, prevents a shipbuilder from getting double payment, in effect. The Senator's amendment strikes the provision and the language in the provision which guarantees that.

I think there is no disagreement between us as to what the outcome ought to be. What we are trying to do is reduce costs to the U.S. Navy and, thereby, to the U.S. taxpayers for future shipbuilding activity by reimbursing the shipbuilder for damages caused by the hurricane, purely and simply. There is no effort to prevent the shipbuilder from recovering what it is entitled to recover from the insurance companies that had coverage in this situation.

But the fact is, you could not get insurance coverage for all of the damages done by the hurricane, only some. The policy defines the obligation. The contract, in effect, between the shipbuilder and the insurance company defines what benefits the shipbuilders are entitled to receive. And these contracts are being honored, some maybe not as generously as the shipbuilder would like. But that is something to be reserved between the shipbuilder and the insurance carrier. And if litigation develops and is resorted to as a way to resolve that, so be it; that happens.

But what we are seeking to do is to acknowledge that the shipbuilder was impeded by the hurricane from proceeding under contracts that it had with the Navy to hire and make avail-

able workers on a reliable, predictable schedule that would ensure the ships' future construction on time under the contract.

Some of those costs cannot get reimbursed from the insurance company. There are provisions in the insurance agreements that prohibit the collection of benefits for some of those costs that were caused directly by the hurricane.

So what we have attempted to do is to work with the Navy, consult with the shipbuilder, and try to provide authority in this supplemental bill to help control costs of ships, now and in the future, with a possibility of insurance proceeds offsetting Government costs. Or we can exclude this provision, as the Senator is trying to do, and pay the resulting higher costs through higher taxes, more appropriations to help pay the costs to the Navy to pay for the ships.

To me, I think this amendment reflects a difference in understanding of what the language of the supplemental seeks to accomplish. We do not disagree with the motivation of the Senator from Oklahoma. We applaud his effort to review carefully and make sure we are not "wasting" money in this supplemental, that the taxpayer is benefiting, not a shipbuilder being unjustly or inappropriately enriched. I guarantee you that is not the purpose of the assistance that is provided in this section of the bill, this general provision of the bill.

Here is what it seeks to do. And we think it does do this: The general provision adjusts ship contract target costs for the effects of Hurricane Katrina. It provides the U.S. Navy with reimbursement of future shipbuilder insurance receipts. And it makes clear that payments made by the Government to the shipbuilder could not be treated as collateral insurance coverage and could not be used as a reason for insurers not to honor their policy obligations.

That is the purpose of the general provision. I challenge anybody to disagree with that purpose as laudable, as important, and as fair to the taxpayers, to the shipbuilder, and to the insurance companies that have coverage.

This provision was included because it is clear that the impact for delaying the recapitalization of the shipyards will have long-term negative impacts to the Navy's shipbuilding program by making ships more expensive and taking longer to build.

We can provide this authority now to help control the costs of ships, and with the possibility of insurance proceeds offsetting Government costs, or we can exclude this provision and pay for the resulting higher costs of ships.

And note this. The estimated cost of this provision is \$140 million, to be paid from within the \$2.7 billion the President requested in the shipbuilding account. Hear that? The President requested \$2.7 billion in his submission in this request. And a 3- to 6-month ship-

yard recapitalization delay is estimated to cost \$300 to \$600 million in increased ship costs.

This is serious business. You can pay me now or pay me later. I guess that is the way to say it. But the whole point is, we can appropriate this money in this supplemental that the President requested. We have identified the part that is going to be used to pay the costs of this amendment.

So in response to Hurricane Katrina and the disaster that resulted to the region, the President requested over \$2½ billion—\$1 billion in this supplemental and \$1.7 billion in the last supplemental—in the Shipbuilding and Conversion Navy account to address these ordinary costs to replace destroyed or damaged equipment, prepare and recover naval vessels under contract, and, most relevant to this debate, provide for cost adjustments for naval vessels for which funds have been previously appropriated.

So what happened is the President's request did not address or take into account all costs associated with Katrina. So a general provision was added to adjust an existing Navy ship contract's target costs for the effects of Hurricane Katrina. It ensures the industry does not receive redundant funding from the Government and insurance companies. But—guess what—the amendment offered by the Senator, my friend, deletes this provision. That should not be done.

The focus of this supplemental is to provide disaster relief and recovery for hurricanes, including Katrina. Katrina caused the costs of ships that were already under contract with the Navy to increase. Increased costs were occurring because of the disaster.

The provision included in the bill does not impose additional costs. Instead, it directs that all costs be paid from within the \$2.7 billion shipbuilding account requested by the President to address the hurricane recovery costs.

In my view, the Senate needs to reject the amendment of the Senator. Let's carry forward in this bill this general provision.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me address a question to the distinguished chairman of the committee because I thought his remarks were very well done and answered a number of questions that have been put out in the discussion of this language in the media. But I think it is important to clarify a few of those points.

The first point you are making is that this is not an additional or added expenditure. This will come out of the \$2.7 billion that has already been requested to go into this shipbuilding recovery effort; is that correct?

Mr. COCHRAN. Mr. President, if the Senator will yield, he is absolutely correct. There is, in this general provision, a reference to the \$2.7 billion that is contained in the President's request

submitted to the Congress, a request that we appropriate that amount. He is right. We are not creating new funding in this provision but trying to spell out what that funding should be used for.

Mr. LOTT. Well, Mr. President, I thank the chairman for that clarification and for making that point. I might also ask this question: The Senator was a very capable young lawyer in our State years ago, president of the young lawyer's section, and I think he understands this sort of issue. Are you satisfied that this language is such that when and if there is an insurance recovery, those funds will come back to the Federal Government?

Mr. COCHRAN. The Senator is correct. It will not result in a double payment, in effect, to the shipbuilder, of course. And any insurance proceeds that offset the Government's costs are excluded specifically from this provision.

Mr. LOTT. One final point that the Senator made that I think is a very important one. If we do not allow this provision to remain in this legislation, the net cost is going to be twice as much or more.

I believe the questions that have been posed have been answered correctly and appropriately by the chairman of the committee. This provision does not require additional funds. Payments will come out of funds that have already been earmarked for shipbuilding recovery. It is not going to be a process where the shipbuilder will be relieved of trying to recover from the insurance company and, if they recover, they get to keep it. It is important to emphasize those points.

Let me confess to my colleagues, this is personal with me. I admit it. This is my hometown. I grew up in the shadow of this shipyard where 13,000 men and women make their livelihood, the biggest single employer in the States of Mississippi and Louisiana and at one point of Alabamians, a critical component of our national security. They build some of the most sophisticated ships in the world—destroyers, cruisers, LHAs, LHDS, LHARs. And that shipyard got hammered by hurricane Katrina. My dad was a pipefitter in that shipyard and was in the pipe department when he was killed in an automobile accident. I don't just see statistics and numbers; I see neighbors, classmates, men and women who believe in what they do and build quality product. They have been hit a grievous blow.

I understand the effort of the Senator from Oklahoma. On many similar occasions, if I didn't know all the facts or if I weren't as intimately involved, maybe I would be doing something similar to what he is. I understand. But I don't think he has all the facts. Maybe the clarification that my colleague from Mississippi made will help him.

The magnitude of what we were hit with is the most devastating thing we have ever seen. I won't bring out a lot

of charts, but so you will get some idea of the destruction, here is a picture of the shipyard right after the hurricane. This whole shipyard had a direct hit. It is right on the mouth of the river. It got hammered. Five hundred men and women put their lives at risk that night trying to keep ships that were moored there from sinking. This is what we were dealt. Everything in that shipyard was under water. And by the way, just so you will get some idea, there in the background of this picture, those cranes are actually on the water. This photo was actually taken a distance inland, and you see the kind of destruction that was brought on us.

One of the things we did in the aftermath of the hurricane was to say: OK, let's rescue people. Let's get them the basics. Then we sat down and said: What is the order of what we ought to do? No. 1, we need to get our people back to work first. Because if we can get them back in their jobs, even if they don't have a home or a truck, that will begin the return to normalcy. They will have income. Then let's get our schools open. Then let's remove the debris. So we had an order. We have not done this haphazardly.

This provision was not stuck in the bill as an afterthought. It was carefully done. It was done after looking to see what the actual impact was going to be.

Several shipyards in my area—three of them, as a matter of fact—owned by VT Halter had “only” 20 or 30 feet of water. But this shipyard was completely shut down. They made a valiant effort to feed people, get people back to work. Now the shipyard is back up to probably 11,000 people working there.

Talk about getting insurance. Let me put the shipyard in my place. My wife and I lost our home. It is totally gone. I had flood insurance. I also had a household policy. My insurance company said: You had no wind damage. We will pay you nothing. After that house sat there for 4 to 6 hours being hammered by winds of 140 miles an hour with gusts at 160 and 170, they came back and said: No, you didn't have any wind damage. It is not credible. So what am I going to do? I guess I could hock everything and rebuild on that site before I get any insurance, but the “no payment” or the “slow payment” of insurance companies is retarding the entire gulf coast. They are like me; I can't rebuild until I get some insurance proceeds.

They have the problem of how much can they put into this situation without getting the plant back up to operation. They have spent \$550 million to clean up this shipyard, repair the facilities, repair the ships, and cover the cost of business interruption not caused by them. They have done their part. In fact, of that \$550 million, less than one-third, about \$175 million, has been recouped so far from the shipyard's insurance companies. They are going to continue to pursue these insurance claims. I hope they are going

to get a good settlement and they will be able to go forward with business.

But this shipyard had a billion dollars of damage. This matter is about national security. It is about the Navy. It is about the world's best ships. It is about men and women who have busted it to get that shipyard back on line.

The same thing has happened in Louisiana, where a lot of work is done on the LPDs and where they went back to work before they had a bed to sleep in. So this provision is the right thing to do for Gulf Coast recovery and to help the Navy maintain the cost and schedules for its ships.

Let me give you a couple of examples of quotes after the hurricane. After the hurricane, Assistant Secretary of the Navy John Young recognized the significant impact of that storm on Navy shipyard building and national defense. In a letter to Navy and Defense Department leadership, Secretary Young wrote that:

The Navy [should] take an aggressive and proactive approach in helping restore shipyards and returning workers to shipbuilding tasks. Importantly, this approach has the short-term benefit of contributing in a significant way to the restoration of jobs and the economy in the Gulf Coast.

Yard restoration delays, loss of the skilled workforce, and ship delivery delays will translate directly into creation in future years of significant new prior year completion bills on Navy shipbuilding programs.

That was very thoughtful. He was looking at it realistically in the immediate aftermath of this terrible storm. He recommended an action that was appropriate.

Some people say it wasn't in the President's budget. Presidents' budgets don't come down from heaven. They sometimes don't include everything that should be included or maybe it will include something that should not be included. We are a coequal branch of government. We do have a say in these issues. Sometimes we can help. When it came to getting Medicaid for the States affected, we had to take the lead. When it came to getting tax incentives for businesses and industry to create new jobs, we took the lead. When it came to finding a solution for the people who had a home that was not in a flood plain—after the hurricane all they had left was a slab, no insurance, no way to rebuild, and nobody had a solution—Senator COCHRAN came up with a solution and the administration signed it. They didn't do it; we did it in the Congress. We are from there. We are of this situation. We understand the problems.

We are trying to be reasonable. We told our colleagues months ago about what we would need to recover. We have not exceeded that estimate. We are way under that estimate. In some categories we are not even going back and saying we need more, even though we were somewhat shortchanged. We are trying hard to help the people who have been dealt a grievous blow. If we don't do this, the people in that shipyard will be hurt, the Navy will be

hurt, and it will cost us more. I want to make sure we get the insurance recovery.

I am a plaintiff for the first time in my life. I didn't want to do that. When I met with shipyard officials immediately after the hurricane, I went out there, and they were feeding the people on a ship that was moored. There was no electricity. I said: What about insurance? They said: We are fortunate. We had insurance. We even had a clause in there so we feel we are going to get a good recovery.

Well, it hasn't happened. So we can deal with this realistically and in a sensible and thoughtful way, the way Senator COCHRAN has outlined, and I think we will get through it. We will keep the jobs, build the ships, help the Navy, help the workers. And we won't lose money in the end. The disruption cost, if we don't do this, will be much greater than by going ahead and doing this right now.

I beg my colleagues, bear with us. I know you are beginning to say: How much is enough? I don't know in every instance, because we are still dealing with the magnitude of this disaster. But we are going to try to be honest with you. We are going to try to be thoughtful. I believe this language is crafted well. I am proud to be a part of the effort to defend the language that is in this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to raise a few points. First, I have great respect for the Senators from Mississippi and Louisiana. If they will note, my votes have reflected that, when we have sent money for both. The President did request \$2.5 billion, \$2.7 billion for this. But he also requested that we not do this specific thing, that we not do this. The Senator from Mississippi makes a point they have already collected \$125 million—actually they told us \$125 million, maybe it is more—from insurance. They did have a big loss.

We had a hurricane down there and everybody will agree, because of the hurricane, the ships are going to cost more, no matter what we do. They are going to cost more because they were delayed. We know that in defense contracting. Is it in Northrop Grumman's interest to recapitalize this shipyard? Yes. There is no question about it. Do they have a positive cashflow of \$2.6 billion this year? Yes. The reason we should not do this is because there will be no money coming from the insurance industry. Under the legal loss doctrine, we will obviate all those policies. So by doing this, it is true, any money that comes comes back to the Navy. I agree, that is in here. But the fact is, there will be no money coming back because they will have and utilize in their insurance contracts the legal loss doctrine. That doctrine will obviate any obligation, any liability these insurance companies have to do it. So

the question is, should our kids pay for it, our grandkids pay for it, or is it in Northrop Grumman's best interest to put the business interruption insurance, which is in litigation, to borrow that money or take it out of earnings from cashflow from operations right now and then collect the interest on it? Instead, we are going to send it on down the pike 30 years to be paid back, and \$125 or \$200 million will become \$300 million or \$1 billion after 30 years.

I would also read into the record part (a), section 2303, "Amounts appropriated or otherwise made available by this Act." Going on down, "under the heading 'Shipbuilding and Conversion, Navy' may be obligated and expended to pay the costs of any business disruption incurred by a ship construction contractor with respect to facilities or businesses located in the Hurricane Katrina Disaster area by reason of Hurricane Katrina."

We do get all four of them, all four segments intentionally, because if we don't, then we pay. The insurance industry won't pay. Anything that isn't settled at the time this goes through will not be paid for by the insurance industry. So if you want to go out and make some money today, go buy Factory Mutual insurance. Because if this goes through and is a part of it, they made \$150 million today with this thing going through. They are not going to pay, and they are going to be upheld in a court of law.

This is an established doctrine of law. And if it is already paid for by the U.S. taxpayers' grandchildren, then Factory Mutual is not going to have to pay for it.

I understand the intent. I believe the Senators from Mississippi are doing what they think is right. I think this is just a step too far that doesn't have to be done to truly get going. There are 11,062 employees in Mississippi right now working for Northrop Grumman. They have employees in 38 States. They are a great company and a vital contractor. But I would make the case that the cost of ships has gone up because we had the hurricane. And it is noble to try to limit that increase. This won't limit the increase; this will just increase the cost to our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the chairman's mark on this very important issue relative to the rebuilding of the gulf coast. Chairman COCHRAN has taken great responsibility to shape a supplemental bill that asks for what is absolutely crucial to the development of the gulf coast. I know that a few of our colleagues may take issue with one or more things that are in this bill. But overall, it is a genuine attempt to try to give direct and targeted help to the standing up of this very important area of the United States that has been hit, as we said, not by one hurricane but two hurri-

canes, two of the worst that have ever hit the continental United States since 1837, since hurricanes have been recorded, and by the extraordinary flooding that took place in a large metropolitan area, not just Orleans Parish, but Plaquemines Parish and St. Bernard Parish, the heart of America's energy coast and the heart of the economic region about which we are speaking.

Inside this region that has been devastated there are over 16,000 people employed in shipbuilding. We are proud of those shipyards at Ingalls, Gulfport, and Avondale. Fortunately, the Avondale shipyard, which is in New Orleans, did not sustain tremendous flooding because it was on the west bank of the city and, of course, the east bank is the part that flooded. We are very fortunate in that regard. There was still a tremendous amount of damage at Avondale.

As my friends from Mississippi said, their shipyard was just hammered. We are so grateful that Avondale stood up because we have been able to help keep the ships on schedule and get our people employed.

The Senator who is objecting, Mr. COBURN, has been so helpful in other ways. I know he wants to make sure we are not double-dipping. He keeps referring to the first paragraph of this amendment, but if you read the second paragraph of the chairman's mark, it is clear. It says: This may not be treated as collateral insurance coverage, so they cannot collect twice.

It is not the chairman's intention or my intention or Senator LOTT's intention for the company to collect twice. But advancing these payments to them in the way this has been drafted will help them get these yards back up and running, to get their construction done, and to get people hired again. It is very difficult.

We keep saying—and I know people are tired of hearing this—this was not a regular hurricane. It has destroyed so much that not only do employers, large and small, have to get their businesses back going, they have to go out and literally find their customers. Then they have to provide housing for their workers. Then they have to get electricity turned on for their workers, then they have to get running water turned on for their workers. It is more than our employers can bear, even the big ones such as Northrop Grumman.

We are not asking for a taxpayer bailout. We are not asking for double-dipping. The Navy knows what we are doing, and they are supportive. The Department of Defense is supportive.

I came to the floor to ask my colleagues to please support the chairman's marks on this to help our shipbuilding. We are not asking for double-dipping. When the insurance moneys come in, which I am sure they are entitled to do, this language allows the taxpayers to be repaid. So we get the benefit of getting our shipyards up and running, getting potentially 17,000-plus

people between Avondale and Ingalls back at work as quickly as we can. Even with this, it is going to be very difficult. Without it, it will be almost impossible.

So I ask my colleagues to please reject the Coburn amendment. I know the Senator means well, and he has been extremely helpful and sincere in many ways as he has attempted to help us, and we don't want to waste any money. But this language makes it clear, not just paragraph A that has been read, but by paragraph B, that it is not double-dipping.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). Is there further debate?

Mr. COBURN. 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 division IV of amendment No. 3641. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—48

Alexander	DeMint	Kyl
Bayh	DeWine	Levin
Biden	Dodd	Lieberman
Bingaman	Dorgan	Lugar
Boxer	Durbin	McCain
Bunning	Ensign	McConnell
Burns	Enzi	Nelson (NE)
Burr	Feingold	Obama
Byrd	Frist	Reed
Cantwell	Graham	Santorum
Carper	Grassley	Stabenow
Chafee	Gregg	Sununu
Coburn	Hagel	Thomas
Conrad	Hatch	Thune
Craig	Inhofe	Voivovich
Crapo	Kohl	Wyden

NAYS—51

Akaka	Harkin	Murray
Allard	Hutchison	Nelson (FL)
Allen	Inouye	Pryor
Baucus	Isakson	Reid
Bennett	Jeffords	Roberts
Bond	Johnson	Salazar
Brownback	Kennedy	Sarbanes
Chambliss	Kerry	Schumer
Clinton	Landrieu	Sessions
Cochran	Lautenberg	Shelby
Coleman	Leahy	Smith
Collins	Lincoln	Snowe
Cornyn	Lott	Specter
Dayton	Martinez	Stevens
Dole	Menendez	Talent
Domenici	Mikulski	Vitter
Feinstein	Murkowski	Warner

NOT VOTING—1

Rockefeller

Division IV of amendment No. 3641 was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BUNNING. On rollcall vote No. 105, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will take this opportunity to review for a moment that this is an anniversary date of some significance which I believe ought to be recognized. It is 3 years ago this week that President Bush stood on the deck of the USS *Lincoln* in front of a banner that declared that our mission in Iraq had been accomplished. He told our troops and all Americans that major combat operations in Iraq have ended 3 years ago this week. At the time, we had lost 139 people, 139 troops in Iraq. Today, we have lost more than 2,400 American troops there, and 2,258 have died since "Mission Accomplished" was pronounced. In other words, 95 percent of the United States fatalities in Iraq occurred after President Bush said major combat was over, and tens of thousands of young Americans have suffered injuries, including severe head injuries and lost limbs, that will change their lives and the lives of their families forever.

One need only visit Walter Reed Hospital and see what the ravages of war have done to so many. The only thing that was accomplished that day was a photo opportunity for the President's reelection campaign. When we look back at that publicity stunt on that aircraft carrier, we realize how wrong the President was. But that was hardly the only major conduct error in the judgment of this war.

Recently, a number of retired generals have come forward to say what many in the military have been thinking for years. These officers know that our men and women in uniform have been let down by the miscalculations and the incompetence of the Bush administration. The troops on the battlefield pay with their lives, but nobody in the administration has been held accountable.

The generals say we can't move forward without accountability. They say that the Secretary of Defense must go. The generals are right. Secretary Rumsfeld has made too many mistakes to stay in that job. As the old expression says, when you are in a hole, stop digging.

Let's recount the miscalculations of the Secretary of Defense. Before the war, he said, "We know where the weapons of mass destruction are. They are in the area around Tikrit and Baghdad, and east, west, south and north, somewhat."

But now we know there was no solid evidence before the war that Iraq had any WMDs. None were found when the

United States invaded the country in March, and none have been found since. That was over 3 years ago.

Secretary Rumsfeld also said that the Iraqis would welcome U.S. troops and that the Iraqi resistance would be limited. Obviously way off. Not only did Secretary Rumsfeld fail to build coalitions with our allies, he flip-pantly, arrogantly dismissed them as "old Europe," alienating these allies when he should have been reaching out to them. The result of a failure to build a real coalition is that our troops are bearing the risks and suffering the casualties.

There were other serious miscalculations. Secretary Rumsfeld said the war would be short. On February 7, 2003, he said:

The war could last 6 days, 6 weeks, I doubt 6 months.

Secretary Rumsfeld also rejected calls for a larger number of troops. He even pushed out GEN Eric Shinseki, the Army Chief of Staff, when General Shinseki, a distinguished leader, a military leader, suggested that postwar Iraq would require many more forces than the 100,000 troops we had on the ground. As I remember, he said over 300,000.

Secretary Rumsfeld was also way off on the cost of the war. He said it would cost at least \$10 billion but no more than \$100 billion. We now see the actual costs coming close to \$500 billion.

Despite all of the funds devoted to the war, Secretary Rumsfeld has failed to equip our troops properly. After more than 3 years, thousands of Army and Marine Corps personnel still do not have adequate body armor or sufficient armor for their humvees. When I was there over 3 years ago, I heard the plea then from soldiers from New Jersey: Give us the flak vest, Senator, that you are wearing, the latest technology. They will protect us. Please let us have that.

We know what happened with the humvees and the resulting serious injuries because of inadequate armor for the humvees.

In December 2004, in a meeting with U.S. troops in Kuwait, some soldiers raised these concerns with Secretary Rumsfeld. His response was offensive; humiliating for our troops who are serving there. He said, "As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time."

I don't know what was meant by that statement but it certainly is a slur in many ways.

I must say that what I find incredibly offensive is this administration still will not allow photographs of flag-draped coffins when they return to our shore and come into Dover, DE, which is the repository for the remains. It is such an honor to recognize the sacrifice made by having a flag draped over the coffin. Yet that honor of our fallen troops is shielded from the American people by the order of the President of the United States.

It doesn't make sense to me, and I know it doesn't make sense to those families.

It isn't just civilians upset by these events. We have now heard eight retired generals call for Secretary Rumsfeld's resignation, citing gross mismanagement and profound errors in judgment.

Retired Army MG Paul Eaton, in charge of training the Iraqi military from 2003 to 2004, recently wrote in the *New York Times* that Rumsfeld "has shown himself incompetent strategically, operationally and tactically . . . Mr. Rumsfeld must step down."

Retired Marine GEN Anthony Zinni, an outstanding leader, former head of the U.S. Central Command, which includes the Middle East, last month called for Mr. Rumsfeld to resign.

Other military leaders who have called for Secretary Rumsfeld to go include retired Marine LTG Gregory Newbold; retired Army MG John Riggs; retired Marine GEN Paul Van Riper; retired Army MG John Batiste; retired Army MG Charles Swannack, former Commander of the 82nd Airborne in Iraq; and retired U.S. Army GEN Wesley Clark.

In addition, we are now seeing people of lower ranks who are upset with the way that campaign has gone and are expressing their dissatisfaction.

We see also a phenomenon we haven't seen before; that is, people filling out their obligatory term at the Academy and a third of whom do not stay on. They finish their obligatory terms of 5 years and they are gone. It is a serious problem in many ways. Morally, I think it is a serious problem, but also functionally we don't have the personnel supporting the war in the way we had hoped. Whole branches of services over there are as courageous as can be. It is very dangerous territory, and they serve bravely. We owe them a debt of gratitude.

The fact is the Bush administration has made serious mistakes in prosecuting the war in Iraq, and our soldiers have paid the price. Our troops deserve better.

On the third anniversary of President Bush's "Mission Accomplished" fiasco, I hope that the President finds the strength to make real changes. And those changes need to start at the top.

I urge the President to be more specific about what our assignment is. He has already said it will be up to another President to take care of what continues there. Unfortunately, we have to believe that.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as if in morning business for 5 to 10 minutes.

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

WAR IN IRAQ

Mr. MARTINEZ. Mr. President, war is difficult. War is not pretty. Sometimes war, unfortunately, leads to death and injury.

Our country has been blessed over our history. There have been men and women who believe enough in our system, who believe enough in the system of democracy that we are so fortunate and blessed to have, who are willing to give their lives so this system may endure, so this system may continue, so that our country can continue to be free.

I believe, as we look at a difficult situation in Iraq, the last thing we need is a policy of defeatism, is a policy that looks to ways in which we can criticize and critique without offering an alternative path and without offering an alternative solution.

The fact is there was a worldwide failure of intelligence in the days leading up to the war in Iraq, but the fact also is that we are there today and that thousands of Americans—the best and the brightest, those we are the proudest of—are there serving this Nation with distinction, with valor, and I daresay with great success. Our hope for them must be that they complete their mission and come home; that they can come home with their heads held high for a job well done.

I also believe that the civilian concept of leadership of our military is well ingrained in our system. I had the high and distinct honor and privilege of serving in the Cabinet of this President with Secretary Rumsfeld. Secretary Rumsfeld is a man of great distinction. He is also someone who has tackled the very difficult job of transforming our Armed Forces. He has taken on the very difficult job of moving forward into a post-cold war sort of world with an Armed Forces that is very different than the one we have had. Any time a large bureaucracy undergoes change, there is difficulty with that change. And sometimes there are different opinions about how that change takes place. And there is no doubt that there are people who have had different ideas about how to approach, whether it is a war effort, whether it is a reorganization of our Armed Forces from those of Secretary Rumsfeld, but to those who have had those kind of difficult ideas I would say that we elect only one President at a time, and that President has only one Secretary of Defense at a time. That is why we have a chain of command because someone has to lead and someone has to make decisions.

I believe our country, at a time when we were unfairly and unwantonly attacked by terrorists, has been fortunate to have a President at hand who has had the good fortune to have dedicated people such as Secretary Rumsfeld at the helm to serve at his side.

This is a President who did not seek a war with terrorists but who had a war brought to us in the streets of New York, with over 3,000 American casualties on a given day. And the fact is that this President was also confronted with the need to act on this global war on terror.

I can remember when in the mountains of Afghanistan there seemed to

be a stalemate after about a month or 2 of our initial conflict there, and the naysayers were saying we had not sent enough troops. All of a sudden, a tremendous breakthrough in modern warfare took place as we saw our special forces operating on the backs of horses with laptop computers directing fire, and a whole new era of warfare evolved. But we liberated the people of Afghanistan, who since then have had elections, where women and children of all sexes can now go to school, where women can now walk the streets without fear, where children can go to school, whether they be little boys or little girls. They have had that unique opportunity in the world which we take for granted in our country.

But for those of us who were born in other places, we understand the uniqueness of voting and have had the right and opportunity to elect leaders.

More recently, 11 million Iraqis voted in the third election in 1 year, followed by the formation after some politicking and some good, old-fashioned Democratic horse trading, have formed a government.

The moment today ought to be to highlight the hope of a new Iraq, the hope of a democracy in the Middle East, which is so unique to that region of the world, the fact that a new government has been formed—not to try to recount all of the potential for different moves at any given point.

All warfare is riddled with difficulties and second-guessing. But here we have a moment of hope and opportunity. Defeatism is not a policy. It is only a prescription for failure.

I am hopeful that as we go forward, we recognize the successes of the Iraqi people and the difficult task of forming a democracy; that we relish in the accomplishments; that we understand it is an incomplete project in democracy but one moving in the right direction.

I, for one, thank all of those who are serving in these difficult circumstances over there and their families for the sacrifices they are making so that we might be successful, so that we might find a way forward that is better than defeat and is better than negativism and that is better than second-guessing.

AMENDMENT NO. 3727

Mr. LOTT. Mr. President, I call up amendment No. 3727.

THE PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. DODD, proposes an amendment numbered 3727.

Mr. LOTT. Mr. 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 as follows:

(Purpose: To provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season)

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES
ELECTION ASSISTANCE COMMISSION
ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, \$30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LOTT. Mr. President, I understand that this amendment has been cleared on both sides. I am pleased to join Senator DODD, who is a cosponsor of this amendment.

Speaking of elections in Iraq, we also hope to have effective and fair and open elections in America.

In the Katrina area, we had significant damage to polling places and to voting machines. We lost all of them in many areas—in New Orleans, South Louisiana, and Mississippi.

This amendment would provide \$30 million, through the Federal Elections Commission, for replacement of those losses.

I have checked on both sides of the aisle. I find no objection. I know that our managers have cleared it.

I, therefore, urge my colleagues to accept it. The amendment is certainly very worthwhile. It is needed, and it is needed right away in order to prepare for elections this fall.

I yield the floor so my colleague, Senator DODD, can further elucidate.

Mr. DODD. Mr. President, I thank my colleague, and I thank the chairman and ranking member for their acceptance of this amendment.

I point out to my colleagues that I was looking over some of the data involving the need for this appropriation.

In Louisiana, four of the most heavily impacted parishes, not counting New Orleans, a total of 60 polling places the hurricane simply swept away. These parishes lack basic services, such as electricity, generators, rest rooms, lights, and the like, creating some serious problems. We were told that FEMA would not allow for an allocation of funds in this kind of a situation—even Federal elections. It does not meet the test of assistance under the Stafford Act.

We point out to our colleagues that New York City officials were in the process of holding a primary election on September 11 when they were interrupted by the terrorist attack. FEMA in that case allowed \$8 million for the

city of New York to allow for the election process to go forward.

There are other precedents, indeed, which fall under the emergency category.

Elections are a number of weeks away, and certainly providing assistance for the most basic of all of our functioning as citizens, to make sure that every person in these Gulf State areas is able to cast a vote and have their vote count is something we all embrace.

We appreciate the managers of this amendment allowing this kind of additional appropriation on this bill.

Over 8 months ago, the lives of many Americans living in the Gulf Coast region of the United States were subject to the devastating natural disasters of Hurricanes Katrina and Rita.

Today, those impacted by the hurricanes face many of the same problems faced immediately after the storms—no homes, no jobs, no community infrastructure, and no guarantee that their lives will return to normal any time soon.

And in this election year, many of these same individuals now also face the potential that their communities will be unable to guarantee that they will be able to cast a vote and have that vote counted in the mid-term federal elections. This is simply unacceptable in America.

There are still areas of the Gulf Coast that are without basic services, such as electricity, and many areas that are still mucking out homes and demolishing buildings.

The hope and desire to rebuild their communities and restore some sense of normalcy is alive and well in the Gulf Coast. But these communities need help. And that is clearly the case when it comes to federal elections.

In Louisiana, four of the most heavily impacted parishes—not counting New Orleans—must recreate a total of 60 polling places. The hurricanes simply swept them away or destroyed them beyond use.

These parishes lack basic services such as electricity, generators, restrooms, or lights which are necessary to hold an election.

But FEMA is taking the position that the conduct of elections—even federal elections—does not meet the test for assistance under the Stafford Act.

That is a curious position for FEMA to take since that agency did provide election assistance to both New York City, following 9-11, and to Miami-Dade County, Florida, following Hurricane Andrew in 1992.

In the case of Miami-Dade—which faced a very similar situation to what the Gulf Coast faces today—FEMA provided temporary polling places, water, generators, lights, fans and portable restroom facilities on election day. FEMA also provided trailers for absentee voting in the September primary.

More importantly, FEMA even reimbursed Miami-Dade for the costs of holding the election that were over and above the normal costs of the election.

In New York City, officials were in the process of holding primary elections on September 11 when they were interrupted by the terrorist attack. Elections were rescheduled two weeks later, and FEMA reimbursed the state roughly \$8 million for the costs involved in cancelling and rescheduling the primary election.

The Katrina impacted States are not asking for anything that has not been provided by FEMA before for the conduct of elections following a natural disaster.

And yet, when these States have requested assistance to conduct elections—including federal elections—following what has been described as the most devastating hurricane season to ever hit the region, FEMA has balked.

The federal Election Assistance Commission, established in 2002 under the Help America Vote Act, has attempted to work with impacted states in order to help identify both the requirements for ensuring accurate and accessible federal elections and potential sources of assistance for these communities.

To date, FEMA has come up largely emptyhanded. So far, FEMA has been willing to only reimburse states for the uninsured loss of certain polling equipment, machines, supplies and storage facilities. In the case of Louisiana, that has amounted to just over \$1 million.

But Louisiana officials estimate that the state will face costs of up to \$18 million this year to hold elections—well in excess of what FEMA has been willing to certify to date. Similarly, Mississippi officials anticipate unreimbursed expenses for holding elections to total \$7.8 million while Alabama faces nearly \$3 million in unreimbursed costs.

And there is little reason to expect FEMA to offer more assistance. In a letter addressed to Paul DeGregorio, Chairman of the Election Assistance Commission, dated March 9 of this year, FEMA advises the EAC that—and I quote from the letter:

FEMA does not have the authority to pay for operating costs related to the conduct of elections.

Well if FEMA does not, then who does?

I would suggest to my colleagues that the Election Assistance Commission not only has the expertise to accurately access the requirements and costs of holding federal elections, but they are in a better position to do so.

Consequently, the amendment my distinguished colleague, Senator LOTT, the Chairman of the Rules Committee, and I are offering today.

It is a very modest and targeted amendment. It provides \$30 million to the Election Assistance Commission to provide grants to eligible states impacted by these natural disasters to restore and replace supplies, materials, records, equipment and technology used in the administration of federal elections and to ensure the full participation of individuals displaced by the 2005 hurricanes.

This amendment is supported by a broad bipartisan coalition of voting rights activists and election officials, headed by the Leadership Conference on Civil Rights and the National Association of Secretaries of States. Joining in support of the amendment is the National Association of Counties, the National Association of Election Officials, the National Association of State Election Directors, and the National Conference of State Legislatures.

I ask unanimous consent that this letter be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit I.)

Mr. DODD. Mr. President, these funds will enable the states to establish temporary polling places, secure generators for running the electronic voting machines, provide basic sanitation services for poll workers and voters, such as water and portable restroom facilities.

Congress has taken great efforts to address the immediate needs of those affected by the hurricanes. Now Congress must take additional steps to assist the long-term needs of these communities as they rebuild and move forward.

Ensuring the integrity of federal elections in these states by guaranteeing that the people of the Gulf Coast have access to a polling place is the very least this Congress can do.

Senator LOTT and I first brought these anticipated needs to the attention of the Senate last October. At that time we noted the loss of polling places, election equipment, and election records in the impacted states. While we did not have reliable cost estimates at that time, we served notice that as the committee of jurisdiction over federal elections, we would come back to the Senate as the full extent of the damage and its potential impact on the 2006 federal elections became clear.

Well, by last December it had become clear that the states could not reconstruct the infrastructure to conduct federal elections without assistance.

And so in December Chairman LOTT and I introduced the "Hurricane Election Relief Act of 2005." This bill authorizes the necessary funding to aid impacted states in the conduct of federal elections this year, consistent with the Help America Vote Act—HAVA.

Specifically, it provides federal funding to impacted states to restore and replace supplies, materials, records, equipment and technology that were damaged, destroyed, or dislocated as result of the storms. The bill directs the Election Assistance Commission to determine need and disburse grants to eligible states.

The Senate passed this measure by unanimous consent on February 9. A House companion bill, H.R. 4140, "Ensuring Ballot Access for Hurricanes Katrina and Rita Victims Act of 2005," was introduced by Representative MILLENDER-MCDONALD.

It is imperative that Congress ensure that affected states have the resources necessary to conduct federal elections this year in a fair and accurate manner. It is equally imperative that all eligible voters affected by these natural disasters have an opportunity to participate in their democracy.

Being displaced by a hurricane should not result in being disenfranchised from a federal election.

Each affected state will have its own challenges. For example, according to the Secretary of State in Louisiana, over 400,000 registered voters are dispersed in 49 states.

While fewer voters were displaced in Mississippi, the election infrastructure was completely destroyed or severely damaged by winds and surges, according to the Secretary of State of Mississippi.

In Alabama, the Secretary of State has indicated that their allocated election costs were spent not on conducting elections, but removing debris and repairing election infrastructure following the hurricanes.

Other states have been impacted, to a lesser extent, by the influx of temporary residents displaced by the hurricanes. In many of those states, displaced citizens may have decided not to return home but to become residents of the host state, thereby adding to the election administration responsibilities of those jurisdictions.

The amendment we are offering today will ensure that these unforeseen needs are met and that the federal elections required this year are accessible, accurate, and transparent.

Regardless of the funding needs of the impacted states, one thing is clear. They are similarly situated with all other states conducting 2006 federal elections. They have a solemn duty to protect and preserve the constitutionally guaranteed right of each eligible voter to cast a vote and have that vote counted.

The impacted states are prepared to work hard to secure the rights of our nation's voters and they will conduct these elections with whatever resources are available to them. But the access to the ballot box should not depend upon whether or not a state has recovered from an unprecedented series of natural disasters.

And voters are ready to work hard and participate in the governance and rebuilding of their communities, no matter what the damage inflicted on them by nature. But their ability to participate in our democracy through the ballot box should not depend upon whether their community has been successfully rebuilt.

It is essential that we join together to ensure that all states impacted by these natural disasters have the resources to conduct timely federal elections that fully enfranchise all eligible voters.

This is literally our last opportunity to provide these funds in time to make a difference. It would be irresponsible

not to ensure that these states have sufficient resources to conduct federal elections this year. The health of our democracy depends upon it.

I urge my colleagues to support this amendment.

EXHIBIT I

MAKE ELECTION REFORM A REALITY
SUPPORT GULF COAST STATES IN THEIR EXTRAORDINARY EFFORTS TO ADMINISTER ELECTIONS AFTER KATRINA

APRIL 24, 2006.

DEAR SENATORS: We, the undersigned organizations, urge you assist Louisiana, Mississippi and Alabama in their efforts to hold meaningful elections in the aftermath of Hurricane Katrina. We are asking for \$50 million in the upcoming Emergency Supplemental Appropriations legislation for those states in their efforts to administer transparent and accountable elections.

It is imperative that the citizens of the Gulf Coast region are provided with the opportunity to participate in the critical and difficult decision making that each of these states face in the foreseeable future. Every election presents states with challenges, but never before has there been such great potential for disenfranchisement than in the elections the Gulf Coast states are facing this year.

Voters have been displaced, voting equipment has been destroyed or severely damaged and polling places have been leveled. The outcome of the devastation is that county budgets which were strained before the hurricane have now been depleted dealing with issues like debris removal and infrastructure rebuilding. Many of the businesses have shut down, thereby reducing or eliminating a tax base for those counties. The funding is just not available at the state and local level to rebuild the elections infrastructure.

Time is of the essence. Starting this month and running through the summer, all of these states have primary elections for local and federal offices.

The officials and residents of the Gulf Coast states are extremely grateful for the support from all levels of government and from the many Americans who have been devoted to helping them rebuild and move forward. We look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624-3525 or Val Frias of the Leadership Conference on Civil Rights at (202) 263-2852, or any of the individual organizations listed below.

Sincerely,
Leadership Conference on Civil Rights,
National Association of Counties,
National Association of Election Officials,
National Association of Secretaries of State,

National Association of State Election Directors,

National Conference of State Legislatures.

Mr. DODD. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. 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 Oklahoma.

AMENDMENT NO. 3641, DIVISION V, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up Coburn amendment No. 3641, Division V, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Is there objection? Without objection, Division V is withdrawn.

AMENDMENT NO. 3641, DIVISION VI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that Division VI of amendment No. 3641 be called up.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. Mr. President, I have every intention of withdrawing this amendment. But I wish to mention for a moment that this is an amendment that would have removed \$20 million from the National Marine Fisheries Service to study catch, bycatch, shrimp and relief and fishery profitability in the Gulf—the study of profitability. We are going to spend \$20 million to study profitability.

The Louisiana Seafood and Marketing Board considers this to be unnecessary spending and a low priority.

That is what the people who market the seafood from Louisiana said about this amendment.

I am not going to put us through a vote on it, but I think we ought to pay attention to the people down there who are now saying they don't need \$20 million for marketing and studying. They believe it is a waste of money. When the people of Louisiana are telling us it is wasted money, it is certainly wasted money.

I ask unanimous consent it be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION VII, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, Division VII.

The PRESIDING OFFICER. The division is pending.

Mr. COBURN. Mr. President, I don't intend to ask for a vote on this amendment and may, in fact, withdraw it, but I think it is something that the American people should know. This is about AmeriCorps, the National Civilian Community Corps.

There are three things we ought to know. The idea behind this is fine. They have done a great deal of work on the gulf coast. However, there are some real problems with this program. The House also has significant problems with this program.

Here is the key point: It has never had a comprehensive evaluation in 13 years to see if it accomplishes anything of importance. Compared to all the other AmeriCorps service programs, this one is about 50 percent more costly per person. This one costs \$28,000 per volunteer for 10 months. That annualized out to \$34,000 per person per year.

No. 3, no one is measuring any performance. There are no set goals. No one is saying what they are intended to accomplish? How do we measure that? Could we do it cheaper? Can we do it a better way? None of that has been evaluated on this program.

People will oppose this. I have no lack of reality in knowing we do not have an opportunity to eliminate this money. However, contrast what actually happened on the gulf coast with this AmeriCorps. We had people from all over this country go down and help. We didn't pay them a penny. We did not pay them a \$35,000 annualized salary. We had college students from all across this country spend their spring breaks, their Christmas breaks, their Thanksgiving breaks on the gulf coast volunteering. We had churches, civic organizations, local charities, we did not pay them a penny. They all came because there was a need.

There is something very wrong behind the idea that we have to pay people to be volunteers. As a matter of fact, it is an oxymoron. You cannot have a paid volunteer because they are not volunteering if they are getting paid. The motivation and commitment shown by true volunteers is unmatched by any congressional appropriation. The Nation is answering the call to be Good Samaritans and treat others the way they want to be treated.

This program was started in 1993 with good goals, and the purpose was to create leadership. We may have done that, but the fact that we do not know if we have done that, the fact that we keep throwing this money—which does not go to the individual volunteers; \$4,000 does, but it costs too much to operate.

I will ask unanimous consent for withdrawing of this division, but we certainly ought to have some oversight. I intend to have an oversight hearing in the Committee on Federal Financial Oversight.

I ask unanimous consent to withdraw the division.

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

The Senator from Louisiana.

AMENDMENT NO. 3627, AS MODIFIED

Mr. VITTER. Mr. President, I rise to ask unanimous consent amendment No. 3627 be called up. Also, I request unanimous consent it be modified according to the modification I am sending to the desk.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 3627), as modified, is as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking “or”;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.”

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.”

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of the Act and ending on October 1, 2008.

Mr. VITTER. Mr. President, this amendment is a very important hub zone small business amendment. It has been cleared on both sides of the aisle and with all the relevant committee chairs and ranking members. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3627), as modified, was agreed to.

Mr. VITTER. I yield the floor.

AMENDMENT NO. 3704

Mr. THUNE. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are pending amendments.

Mr. THUNE. Mr. President, I call up my amendment numbered 3704.

Mrs. MURRAY. Reserving the right to object, I don't believe we have seen this amendment. If the Senator would share the amendment with us quickly, we can take a quick look at it.

Mr. President, we have no objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3704.

Mr. THUNE. Mr. 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 as follows:

(Purpose: To provide, with an offset, \$20,000,000 for the Department of Veterans Affairs for Medical Facilities)

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, \$20,000,000, with the entire amount designated as an emergency requirement pursuant to section 402 of H. Con. Res 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the

heading "NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES" is hereby reduced by \$20,000,000.

Mr. THUNE. Mr. President, I ask unanimous consent to yield myself 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THUNE. I rise to offer an amendment on behalf of America's veterans. My amendment provides an additional \$20 million for veterans health care, offset by striking \$20 million appropriated under this supplemental for the AmeriCorps Program.

Among other things, my amendment provides more funding for the implementation of the provisions of the 2004 CARES Act, or capital asset realignment for enhanced services decision, submitted by the Secretary of Veterans Affairs for enhanced VA service, as well as other actions designed to help the VA provide better and more accessible care to our Nation's veterans.

As we seek to restrain spending, we must carefully scrutinize our priorities. Our veterans must take priority over programs and some of the other priorities we are trying to address in the budget. My amendment does this with AmeriCorps. We must do everything we can in a fiscally responsible way to ensure our veterans receive the health care they require.

While we provide a generous funding of over \$30 billion for VA health care for the current fiscal year, there is still room for improvement, if we can do so in a way that does not force us to spend beyond our means.

This is particularly true as we take care of those veterans who have returned from Iraq and Afghanistan. Finally, this amendment is particularly important for veterans living in rural and geographically isolated areas. For example, the VA's Midwest health care network, which serves South Dakota, is the most rural and covers the largest geographic region of any veterans integrated service network in the Nation. It is therefore one of my highest priorities to ensure that veterans living in rural areas continue to see growth in the VA's ability to reach out to our rural veterans and provide adequate care for them.

For these reasons, I strongly urge my colleagues to support this amendment.

I simply say, as a member of the Committee on Veterans' Affairs, one of the debates we often have at the committee level is how, on a consistent basis, we have to borrow from the medical facilities account to fund ongoing operations, to fund veterans health care.

What this amendment simply does is, in an offset way, in a paid-for way, force us to make choices. Obviously, the budget process is always about choices, about where we are going to invest, where we are going to put our limited resources. In this era of budgetary constraint, it is important we make choices that are consistent with the priorities I believe we ought to be

addressing in this country, one of which is the importance of our veterans, in making sure we are putting the appropriate funding levels in place not only to provide health care for our veterans but to make sure those facilities out there that are in need of improvement, that are in need of additional dollars for construction or rehabilitation or whatever the case may be, that there are dollars in place that would enable us to meet that very important need.

Again, I ask my colleagues to support this amendment. I believe it does reflect a priority that is important to Members of the Senate, certainly a priority that is important to members of the Committee on Veterans' Affairs, and done in a way that is offset, that is paid for, and more accurately reflects on what we ought to be spending tax dollars.

With that, I ask unanimous consent my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish I would have thought of that amendment. It is a great amendment.

The Senator from South Dakota makes the point, we have to make decisions about priorities. When we have an unproven volunteer program that is more expensive than any other volunteer program, and we are putting an extra \$20 million on the basis of emergency versus fulfilling the obligations to those people who have made the ultimate sacrifice and paid the price and served this country and put their lives in danger doing so, it is a no-brainer that we ought to be spending the money on the veterans rather than a program that has not proven to be effective, not proven to match a performance goal, and not proven even to be measuring itself in the 13 years of its existence.

I support the Senator's amendment.

AMENDMENT NO. 3641, DIVISION VIII, WITHDRAWN

With that, I ask the pending amendment be laid aside and amendment No. 3641, division VIII, be called up.

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

Mr. COBURN. Mr. President, I do not intend on asking for a vote on this amendment, but I highlight this amendment because of the problems implicit in this request.

In this supplemental is a request for \$230 million, an earmark, for three additional Osprey V-22 airplanes. The Pentagon, in 2005, formally approved full rate production of the V-22: 360 for the Marine Corps, 48 for the Navy, and 50 for the Air Force. The Pentagon has ordered 90 as of today.

This plane is not yet proven, one, and I will not go into the debate on that. It cannot even have full testing and cannot be used in the battlefield.

The point is, there is no emergency need to order these planes. This plane is manufactured in Texas and Pennsylvania. The Pentagon did not request

this. The President did not request it. What we have is people requesting it.

We have a plane that has not met performance tests yet, has not been battle proven, and we are adding three airplanes for which some would raise a good question as to whether it ought to be done in this way. It ought to be done through an authorization and through the regular process.

I know this is in the mark. I am not sure the chairman is supportive of it, and I will not ask for the vote, but I don't think this is the way we ought to buy airplanes, especially when it is not an emergency.

There are numerous problems. Most of them have been corrected, but there still have been numerous problems. This is the problem with earmarks. We are adding something that is not authorized, a plane that has had tremendous developmental difficulties, that the Pentagon does not want, the President does not want, yet we want. Why do we want it? Because, for some reason, we end up either employing more people on something that may not eventually work to the military's satisfaction or we get benefits from it in terms of political expediency.

I believe it is the wrong way to go. I ask unanimous consent to withdraw the amendment.

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

AMENDMENT NO. 3641, DIVISION IX, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we proceed to the consideration of amendment No. 3641, division IX.

The PRESIDING OFFICER. Without objection, the division is pending.

Mr. COBURN. Mr. President, I ask unanimous consent that this division be withdrawn.

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

AMENDMENT NO. 3641, DIVISION X, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that division X be withdrawn.

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

AMENDMENT NO. 3641, DIVISION XI

Mr. COBURN. Mr. President, I ask unanimous consent to call up division XI.

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

Mr. COBURN. Mr. President, I find myself bringing an amendment again against two of my friends who have a significant stake. They are both from Mississippi. They have looked at this issue a great deal.

What I want to do is raise the issues with a debate on the amendment, and then possibly talk about solutions.

During Katrina, the Armed Forces Retirement Home in Gulfport, MS, was damaged. The first floor was damaged significantly. It required and necessitated us moving those veterans to other retirement homes.

We need to remedy that. There are lots of options on the table. I talked

with the chairman of the Appropriations Committee, and there are a lot of good ideas coming out on how to solve that problem.

The problem I have is, we allocated \$45 million for this in the last year, and \$44 million of it remains in the bank and has not been spent. This bill has \$176 million, but it does not tell us what we are going to do with it. It just has \$176 million.

So that brings us to a quarter of a billion dollars on this retirement home that houses 600 of our best, who have proven they have been our best through their service to our country.

Now, if you divide this out, you come to almost \$400,000 per room, if we created a new style. And the plans, the proposals are all in the \$480 million and \$490 million range that have been offered on the different options.

Congressman GENE TAYLOR from Mississippi, in the debate on this issue, says we can fully restore this facility to what it was beforehand for \$80 to \$90 million. That is what the estimates are. Private industry estimates for a brand-new naval home facility are that it could be built to the desired standards—that means up to date for Americans with disabilities; up to date on size, doors; up to date on the ability to handle people with advanced aging and disease and long-term consequences—for \$125 million to \$150 million.

So the question I raise with this amendment is not whether we should do it. It is: We have \$221 million, after this bill goes through, that is going to be for that, and we are not through, and there is nothing in the report language that would direct us on how we are going to make a decision on spending this money and what it is going to go for.

I will agree with the goal of the chairman that we ought to replace this facility, and those people involved in that area ought to have a lot to say about it. My concern is the cost. If you really take the \$589.54 million, which is option No. 1 that is coming out for this, and the estimate that it will take 13 years to get us back to where we were, that is \$1 million a room.

I want to contrast that with what we can do for \$1 million. If you look at the average price of a new home in Mississippi for a single person to live in, it is less than \$80,000 a year. We could buy every veteran who lives in that home a brand-new home and provide nursing care for 10 years—for 10 years—for what is being proposed in replacing this.

So my real question is, what is the plan? Where is the commonsense oversight? How much are we going to spend? And before we send more money in an emergency appropriations, we ought to know what that is, and that ought to be decided before we spend more money, especially since \$44 million that has been appropriated has not been spent.

All I am saying is that we should consider that. I would hope we would

wait to send additional supplemental money for this until we know exactly where it is going to go or specify exactly where it is going to go.

We do know that to be considered an emergency we need to meet the requirements. I believe we need to meet the requirements for our veterans, especially in this home because we have some of them in Washington, DC, and we have them living all across the country. But the fact is, we don't know where the money is going to go. We don't know how much money we are going to spend. We don't have a plan. Nothing is agreed to. Why not go through the regular process with this? Why not go through the authorization and appropriation process on this since we have not spent the money already and we don't know how this money is going to be spent?

So it is a simple, straightforward question: Wouldn't it make more sense to do it under the regular order since this is definitely not an emergency now? Under their five different plans they have offered up, this would not be an emergency.

I would ask the consideration of the chairman if we could do it in a better, more efficient way that is better for the taxpayer; if, in fact, we could withdraw this money at this time and bring it back through the regular order to accomplish that?

With that, I yield the floor.

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. BURR. 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. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 3713.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is pending.

Mr. BURR. Mr. President, I will be brief because I know we are in debate on another amendment.

Avian flu is the concern of not just this Congress but of this country and the rest of the world. As it has spread by migratory birds—and in some instances around the world—it has infected humans. It is the responsible thing on the part of this country to prepare for that.

Part of preparation is not only being prepared for the human side, it is being prepared to track its entry and possible migration through the United States. Today we have devoted, with the leadership of the chairman of the Appropriations Committee, moneys to the Fish and Wildlife Service to successfully do that, and we do it between Russia and Alaska. Unfortunately,

there is a lot of geography in North America that goes uncovered and has routes for migratory birds.

My amendment is simple. We would like to reprogram \$5 million of surveillance money that is in this emergency spending bill to the Smithsonian, directed to work with all of their non-profit affiliates to set up a migratory bird surveillance program. This Congress has committed a tremendous amount of dollars to be prepared and to respond if bird flu becomes a human-to-human transmission. If we look around the world at successes, one would look at Taiwan and Japan specifically, where their migratory birds surveillance program detected, contained, and eliminated on their islands the infection. That is not to say that they are home free, but they certainly have a track record of eliminating the threat, even before it hit in total their domestic population of poultry.

We are concerned about the human-to-human transmission. With that concern has come a tremendous amount of resources from the Federal Government. It deserves us spending as much time focused on the economic impact before human-to-human transmission. I think it is safe to say that a majority of this country can be affected with our poultry flocks, and we have an opportunity, with a successful surveillance program, to make sure that we do what Japan and Taiwan did, and that is detect its entry, try to contain it, try to eliminate it when it first enters.

I am not sure that we have an entity that has a track record of doing what we are asking the Smithsonian. In the past, the Appropriations Committee has devoted some funds to some entities that suggested they could do it. The reality is they are not doing it today. This effort is to take an agency, a Federal arm, and to try to extend to them the resources to do what they say they can do and that is a successful migratory bird surveillance program.

I ask my colleagues to support the amendment. Without it, we have no hope of a surveillance program for migratory birds, with the exception of what we currently do in Alaska with Fish and Wildlife. We have a commitment to make sure that the efforts of the Smithsonian and their successes are integrated into the database of Fish and Wildlife. This is not to duplicate. It is not to create something that might be a threat to the existing program we have under way. It is to complement it. It is to say that we understand this is a large continent and that we have to tap the pool of people who are in nonprofits across the country and across the continent, if we want to be successful with a surveillance program.

I ask my colleagues to support reprogramming \$5 million for this year. It is not new money. It is reprogrammed money. It is money that we had devoted to surveillance. It is shifted from human surveillance to migratory bird surveillance.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was going to ask the Senator if he knows of any objection. I was advised that there is one Senator who has indicated opposition to the amendment. I am a member of the Board of Regents of the Smithsonian. I have a high regard for the work that is done there. Listening to the description of the Senator from North Carolina, I am inclined to support the amendment. But in view of the fact that there is at least one Senator with a contrary view, I think we ought not go forward without giving him an opportunity to come and express his concerns, if he would like to have an opportunity to do so. My hope would be that we could put in a quorum and see if there is a need to discuss it further; otherwise, I suggest that we accept it on a voice vote.

Mr. BURR. I thank the chairman and recognize there might be an individual who wants to speak in opposition.

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. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3641, DIVISION XI, WITHDRAWN

Mr. LOTT. Mr. President, is the amendment pending now and open for debate by Senator COBURN with regard to the Armed Forces Retirement Home?

The PRESIDING OFFICER. That division is available for debate.

Mr. LOTT. If I may speak on this subject, I would plead with my colleague from Oklahoma to bear with me and work with us on this. I have a feeling this is something he would like to see done. I think he wants to make sure it is done in the right way. That is my goal, too. I would ask him to hear me out a minute. Let's see if we can work this out and perhaps not force this to a vote, take up the Senate's time, see if we can accommodate everybody's concerns.

Again, this is a place that I have direct personal familiarity with. I was there when it was a high ground on the Mississippi gulf coast beach area with 200-year-old oaks, a beautiful site. In the 1970s, through the good offices and efforts, probably of Senator Stennis, an 11-story retirement home for old sailors was built on that magnificent site in 1976. I was there when the ribbon was cut, and I was so proud of that facility. It was such an exciting thing to see the look in the eyes of those at that time sailors, but it has since become, of course, the Armed Forces Retirement Home. So it is a place of last resort for retirees from all the military branches. That is how far back my history goes with this facility.

In preparation for the storm, to the credit of the leaders there, 300 of the

residents were temporarily evacuated to the Armed Forces home in Washington. The rest moved in with friends and family. The facility is capable of holding as many as 500, and there was always a waiting list. When Katrina came in, the entire first floor was flooded. The exterior of the building was blasted with 150-mile-an-hour winds. The entire electrical room located below ground level was flooded from floor to ceiling.

But from that time to this, I continue to hear from the residents saying: We want to come back; we want to come home. Nothing against the Washington, DC, area, but their family, quite often, what little family they have, lives in that area and they feel so comfortable there, they want to go back.

By the way, the Gulfport facility, unlike the one in Washington, didn't lose money. It was always a moneymaker. But the rooms they had were 90-square-foot rooms, and sometimes it was a retiree and his or her spouse in this very small room. I realized several years ago that whoever designed the building had made some mistakes in terms of the size and the options of those retirees.

I don't know if my colleagues are familiar with black mold, but it is bad stuff, and it comes quickly after a hurricane. You begin to see it on the walls, and it will make you sick. If you don't get it out of there, your building will be sick. You have to go in and basically take everything out but the two by fours. You have to take out the walls in the building—just everything—and replace it with new material, or you are going to have this black mold.

I have really been embarrassed by the way the Defense Department has handled the Gulfport facility in the aftermath of the hurricane. I understand we have had a lot of things on our minds, but basically they haven't done anything to mitigate further decay. They haven't gone in there and repaired that first floor. They have not gotten the ventilation system going to dehumidify the rest of the building. They have not done anything to repair the exterior facing. They have not removed the black mold. And to make matters worse, other than some volunteer work initially done by the Navy Seabees, they basically will not let anybody else come in to try to mitigate the decay that is occurring.

Remember, this hurricane was August of last year and that 11-story building stands there today basically like it was the day after the hurricane. They are letting it just sit there. They even initially refused to let the electric company come through the gate to help restore power. This has not been one of our better moments.

Then we started asking: What can we do? I want to do the right thing for our retired veterans at this site. There have been proposals: Let's just go in and put a Band-Aid on it, clean it minimally, move things off the basement

and the first floor up to the second floor. There are questions about how feasible that is. Let's just patch it up. But the projection of the costs for even that is not good.

The second alternative is to go in and do a major overhaul and make these 90-square-foot rooms bigger—knock a hole in the wall and have two-room suites, really a major overhaul. The amount of money they are talking about, again, is very high.

Then, of course, the last one is to raze the building and build something more modern, safer in hurricanes, more pleasing to the retirees and everybody involved.

My attitude has been, OK, somebody who is an expert tell me what is the right solution. I can go with any of these alternatives, but let's make sure we do it responsibly and let's not have to do it again in 3 or 4 years. And, by the way, is there some way we can control the costs? A novel idea. So that is where we are.

I met with the Pentagon officials, and I think they are trying to come up with an alternative solution. \$64.7 million in appropriated funds was previously provided to study options to rehouse evacuated veterans. Mr. President, \$64 million to study options? Do we need that?

What I am saying and what Senator COCHRAN is saying is let's take the balance of that prior money that can be reprogrammed, and let's couple that with another, I believe, \$176 million and go forward.

My colleague from Oklahoma has said he wants a facility put back in Gulfport. He wants to know what it is, and he wants to know what it is going to cost. Some of the numbers I have been hearing—I don't know if I can put my finger on it right here—are proposals of \$589 million for renovating it or \$389 million to rebuild it. Good gravy. That is real money. I don't like either one of those.

I believe we can repair it or we can come up with this modified proposal Senator COCHRAN has, about which we had some input, that would be a better, more aesthetically pleasing, more livable, cheaper facility to build.

Look at the report. The report makes it clear what the committee is talking about doing: combined with prior unobligated balances, taking the \$176 million the committee has recommended, which shall be used to construct a new, multi-building, campus-style facility on the site occupied by the former Armed Forces Retirement Home.

I think Senator COCHRAN envisions more of a three-story, military-style retirement facility, perhaps with some surrounding dormitories.

I don't want to say how this is going to be done, but the hurricane was 8½ months ago, and we are still waiting. The costs are going up, by the way. Try to get a contractor down there now and see what it costs.

So we are trying to get this done. We are making recommendations because

we haven't gotten one from anybody else. But keep in mind, this modified plan makes more sense. I think it would please everybody, and it is a heck of a lot cheaper.

If my colleague from Oklahoma has something he would like to suggest we include—I am not chairman of the committee, I am not on the committee, but I am saying, this was not designed in perfection, but I think it is a positive move that deals with the realities of a pitiful situation.

I talked with the mayor of Gulfport, MS, recently, Mayor Brent Warr, and he told me a story that breaks your heart. He picked up on the streets of Gulfport, MS, one of the former residents who was walking along the side of the road after he had made his way from Washington, DC, to Gulfport. He got tired of waiting. He went home—this is his home—to a mold-infested, mildewed, improperly air-conditioned facility.

I don't think we should do this to these retirees and these veterans. I think we need to move ahead and do the right thing to get our veterans home to Gulfport. I will be glad to yield to my colleague from Oklahoma if he has some additional suggestions. I know this is an area about which he cares.

Mr. COBURN. Mr. President, I want to see this facility replaced, too, but I have some serious questions. The Senator was not here for the debate. I want him to hear those questions because what he is proposing is cheaper than several of what the retirement board suggested. I agree. Call me cheap. What he is proposing is \$370,000 per resident. That is twice what I can build a brand-new hospital for with the latest everything.

I guess my point is, for \$221 million, what are our grandchildren going to get because we are doing this under an emergency, and we know we can build a brand-new facility up to code, nice as can be, with the rooms the size the Senator wants, for \$150 million total. We know that is possible. So why should we spend \$221 million doing it? If it is not a fixed plan now; if we send \$221 million out of here, they are going to spend it.

My problem is, I would love for the Senator and maybe the chairman to work with me to get this to a more realistic idea of what the real costs should be so that we accomplish the goal they want, and we do it in a more timely manner. I agree, having a campus style is probably a little bit more expensive, but it isn't 50 percent more expensive than what it should cost.

I made the point earlier that for a new home, for a single or couple living in 1,200 to 1,500 square feet in the State of Mississippi, you can buy one of the nicest places in the world for \$81,000 right now, or \$72,000. We got a quote yesterday from Mississippi. So that leaves \$300,000. If we bought them all a brand-new home and then hired them a caretaker at \$30,000 a year for the next 10 years, we would spend less money.

Again, you bet, I am a tightwad when it comes to our grandchildren's money, and I want value for what we spend. That is the purpose of this amendment. I am willing to withdraw this amendment if I can have the assurance that we can moderate this back into a range that would look like something comparable to what we really need to spend.

I wish to make a final point, if the Senator will bear with me. We don't have this money. We don't have it. Anything we don't get good value for today because our kids are paying for it means they are going to get an exaggerated cost when they come to pay it back. That is my purpose.

I want them to have a great home. I want them to be able to come home. I know they have a tremendous camaraderie living there. I want to see that restored for them. They deserve it. Can we not do it in a much cheaper way and still give them what they want? Remember, they fought hard so we would have the money to be able to do it.

Mr. LOTT. If the Senator will yield, Mr. President, taking my time back, look, I on occasion have thought of myself as a cheap hawk, too. When you see what I have seen—and the President of the United States and Senator after Senator and Congressman after Congressman looked these people in the eye and said: We are going to make you whole; we are not going to give you everything you want, but we are going to help you get back on your feet. And we said that to these old veterans, too.

I don't want to build a Taj Mahal. Unfortunately, quite often that is what we get when the Government does it. I would like to do it for less. I would like to have more for less. I would prefer the Pentagon had developed a plan 4 months ago and said let's do this. But here we sit on the sideline.

I can't speak for the chairman of the committee, but the Senator can see this is something I have paid attention to. It is something I care about. But I would be open to suggestions and working with the Senator to see if we can come up with a plan that the Pentagon, hopefully, would help us with that would do more and maybe do less. I am amenable to that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator, my colleague from Mississippi, for his contribution to this discussion. I think he made a very compelling argument for the fact that we need to provide funds in this bill with direction to proceed to work on a new facility for these veterans. That is the point. That is why included in this bill is a committee recommendation of \$176 million.

The language specifically suggests that this be used to construct a new, multibuilding, campus-style facility on the site occupied by the former Armed Forces Retirement Home in Gulfport,

MS. I think that is the key, and that was brought out by my good friend and colleague from Mississippi. That is the point.

It is the sense of our committee and those familiar with this facility that it should remain in the Gulfport, MS, area. The mayor of Gulfport came up to see me to talk about his concerns, his interests, and his ideas. I know he talked with Senator LOTT and probably other members of our delegation. I want to help him achieve his goal for having the facility rebuilt, using the best measures that we can to be sure we get a good result for the dollars that we invest, and we don't waste money. We don't want to do that. We don't want to just throw a lot of money out there and let the home spend it without any guidance or restraint.

I am very committed, though, to the notion that we ought to have a provision with some money and these directions in the bill. I don't think the House has included anything like this. We are going to have to negotiate with the House when we get to conference. I don't know what their ideas would be, but I want to be able to have at least the commitment of the Senate behind our effort to do what is said in this report.

It could be \$176 million. If the Senator wants to change it to \$166 million or \$120 million—I don't know what the right number is. But it shows a commitment to proceed with funds available to hire some people to get the work done. This is what Senator LOTT's point is. Nothing has been done. We have to get somebody moving, get an architect selected, come together with a plan, and then we will see whether we can fund it. But at least we have enough money in here to show we are serious about rebuilding it, that we are making this investment, and we will monitor the use of the money and try our best to be sure that every dollar is well spent. That is my goal.

The Armed Services Committee has oversight responsibility. That is the legislative committee. So they can help monitor and follow the progress as well. But I hope we won't strike the money and just say this is a bad idea and we are not going to do anything else. That is unacceptable. That is totally unacceptable.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I concur with the Senator's desire to reestablish the site there. That is not what this is about. I am told the Senate Armed Services Committee is not for this because it only gets us halfway there, which bothers me greatly because instead of \$221 million, we are going to spend \$442 million, which ends up being about \$800,000 per bed.

The point I make is this: If you throw money out there, they are going to build where they expend the money. How about us having a plan within a certain amount of money and living with it, rather than saying we are

going over or we are not going over? How about taking the average of the last couple that have been built where there have been any facilities similar to it and using that as a guideline? My problem is it is not \$176 million; it is \$176 million plus \$44 million, and other people are going to authorize another \$200 million, so we are going to be talking about a half a billion dollars, and that is my problem with it.

I ask unanimous consent at this time to withdraw this amendment. I appreciate the courtesies extended to me during the debate. I know the desire is right. I think the money that is out there is extraordinarily too much, especially when we have documented estimates to repair the present facilities between \$50 million and \$60 million and to build new ones between \$120 million and \$150 million. So anything above that is fluff at this time, which we can't afford. We can meet our obligations, but we can't go much beyond that and meet our other obligations. So I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER (Mr. ALEXANDER). The amendment of the Senator from North Carolina.

Mr. BURR. Mr. President, would the Senator from Colorado yield for a question? If the Senator would allow me, it is my understanding we would be able to voice vote my amendment that is pending right now. If the Senator would allow me to do that, we could dispose of this amendment in 30—I have been told I am incorrect.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair, I think it would be appropriate for my friend from North Carolina to have a conversation about how to move forward with his amendment. At this point I ask unanimous consent that the pending business be set aside so I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3736

Mr. SALAZAR. Mr. President, I call up amendment No. 3736.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3736.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for critical National Forest System projects to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, reduce the risk of catastrophic fires, and mitigate the effects of widespread insect infestations throughout the National Forest System)

On page 172, strike lines 15 through 21 and insert the following: "System" for necessary expenses, \$50,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

Mr. SALAZAR. Mr. President, a few days ago I came to the floor of the Senate to talk about a very important issue that is facing the entire Nation with respect to the fire emergency we are seeing across many of our States, including many of our western States. At that point I proposed an amendment that would provide an additional \$30 million in disaster emergency aid so the Forest Service can take on the work it needs to take on to assure that we don't have the destruction from fires we have seen in prior years.

In my own State alone, we have seen what happens when you have the fire situation getting out of control. In 1994, the Storm King fire near Glenwood Springs ended up with the deaths of over 14 firefighters. Back in 2002, we had another fire, the Hayman fire, which caused 138,000 acres of national Forest Service lands to be burned across 4 different counties. These kinds of fires are the kinds we are seeing across our entire country, and we need to make sure we have the resources in order to be able to fight the fires we are going to be seeing in the weeks and months ahead throughout our great Nation.

What I am doing with this amendment is simply providing the amount of money that would be needed to get us up to the levels for firefighting that we had during the prior year. It is something that is essential to our country, it fits within the framework of addressing disaster emergencies, and I am hopeful my colleagues in the Senate will agree with me and support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. COCHRAN. Mr. President, if the Senator will yield, I hope that the Senate could accept this on a voice vote. I don't know that we need to have a roll-call vote. It seems to me to be an amendment that should be accepted by the Senate. It calls for the use of—a piece of paper says \$50 million, and I heard the Senator say \$30 million, or did I hear him wrong?

Mr. SALAZAR. Mr. President, if I may respond to my friend from Mississippi, the amendment asks for \$50 million because we attempted to make

sure we were protecting the amount of money that had been requested in the bill in the Forest Service items for Katrina recovery. So this is \$30 million in addition to that, which brings up the amount in the amendment to \$50 million.

Mr. COCHRAN. So the bill as reported from our committee was \$20 million, and this adds \$30 million?

Mr. SALAZAR. That is indeed correct. I am willing to withdraw my request for a vote at this point in time if, indeed, we can resolve this by a voice vote.

Mr. COCHRAN. Mr. President, I am willing to urge the Senate to accept the amendment. There is clearly a need for funding, and we will have an opportunity to monitor this carefully to be sure that money is not wasted. But clearly, the devastation to timberland and forestry resources is immense. It is indescribable. You have to see it. You can drive along hundreds of miles of forestlands in the region, and it is staggering, the amount of destruction that has occurred.

I compliment the Senator and thank him for offering the amendment and assure him of my support and recommendation that we accept it.

Mr. SALAZAR. Mr. President, regarding Senate amendment No. 3637 to H.R. 4939, I believe it is important to clarify the intent of this amendment. The intent of Senate amendment No. 3637 is similar to Senate amendment No. 3645; however, due to technical considerations I had to redraft the amendment. The intent of Senate amendment No. 3637 is to provide \$20 million to the Forest Service to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, as the Senate Appropriations originally reported. My amendment retains that \$20 million for the gulf coast and adds another \$30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System.

The need for this additional funding is highlighted in the State of Colorado. In Colorado, the Forest Service expects to conduct 35,000 acres of hazardous fuel reduction work as well as process timber sales in insect infested areas. However there is a capacity for more critical work to be done. Colorado has approximately 35,000 additional acres that are approved for hazardous fuel treatments; however the Forest Service lacks the funds to carry out those treatments. Colorado also has 12,000 acres ready for timber sales that would benefit the fire and insect situation but for lack of funding are not being carried out in fiscal year 2006. I use Colorado as an example, but this problem exists throughout the Western United States where extended drought and insect infestations have created dangerous conditions ripe for catastrophic fires in 2006. It represents a true emergency. Waiting to address this issue in the fiscal year 2007 appropriations

process is not a viable option; the 2006 fire season is already upon us in the West, and these funds are needed immediately.

Mr. President, I thank the Senate for recognizing this emergency on the national forests throughout the country.

The PRESIDING OFFICER. Is there further debate?

Mr. SALAZAR. Mr. President, I thank the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3736) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

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

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Mississippi as well as the floor manager from Washington, my distinguished friends, for their assistance on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Coburn amendment is the pending amendment.

AMENDMENT NO. 3810

Mr. OBAMA. Mr. President, I ask unanimous consent to set aside the pending business so I may call up my amendment No. 3810.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 3810.

Mr. OBAMA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be made available for hurricane relief and recovery contracts exceeding \$500,000 that are awarded using procedures other than competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding \$500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

Mr. OBAMA. Mr. President, to begin with, I thank the floor managers on this bill for their help in finding the time to call up this amendment. I would love to get advice from the Senator from Colorado in terms of how to unanimously get an amendment accepted.

After the devastation of Hurricane Katrina, millions of Americans opened their hearts, their homes, and their wallets to help the victims in the gulf coast. Even before Katrina's winds and rains died down, Americans across the country called national hotlines and pledged their hard-earned dollars, their time, and their prayers to the relief effort.

But they didn't just pledge—they also delivered. They delivered to the tune of \$3.5 billion. Many of these donations came from working-class families who didn't have much to give, but they gave what they could.

Like the American people, President Bush made a pledge after the disaster. He pledged he would provide the gulf coast with the Federal assistance it needed to get back on its feet. With the bill now before us, the total amount of Federal funding for hurricane recovery will exceed \$100 billion, and it is safe to say more money will be needed in the months and years to come.

But in order to make good on the President's pledge, we need to do more. We need to pledge to be responsible stewards of taxpayer dollars. We owe this to the Americans who donated their own funds to hurricane relief efforts and to those who trust us each day with the tax money they send to Washington. Unfortunately, we haven't done a very good job so far of delivering on this pledge.

Yesterday, Senator COBURN and I came to the floor to detail the numerous instances of waste, fraud, and abuse in the use of Katrina funds. We know that FEMA spent nearly \$880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Arkansas.

There are reports of prime contractors charging upward of \$30 per cubic yard for debris removal—work that actually costs subcontractors as little as \$6 per cubic yard.

As the Washington Post reported, four large companies are charging 1,500-percent markups—1,500-percent markups—to cover damaged roofs with plastic tarps.

Senator COBURN and I have tried to address these problems by offering a sensible package of amendments to ensure fiscal accountability and transparency. We have proposed the appointment of a chief financial officer to oversee the spending of Federal funding. We have proposed limits on the amount of overhead expenses a contractor can charge the Federal Government, and we have proposed that the details of all large Katrina contracts be posted on the Internet.

Unfortunately, these amendments are not germane now that cloture has been invoked. I think that is unfortunate. It is unfortunate because the interests of the American taxpayer are not being well served by this body. Even though we will have appropriated well over \$100 billion by the end of this week for Katrina relief and recovery, we haven't put in any accountability systems to ensure that the money is well spent.

I am aware that I am new to this body, but I am troubled that Senate rules are getting in the way of sound policy. I understand that is how the Senate works, so Senator COBURN and I are here to offer one modest amendment to protect taxpayer dollars. Our amendment addresses no-bid contracting and is germane to the underlying bill.

Immediately after the hurricane, FEMA awarded four \$100 million no-bid contracts to four large companies—400 million taxpayer dollars—without full and open competition. Acting FEMA director David Paulison was asked about these contracts when he testified before the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005, and he said the following:

I have been a public servant for a long time and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. And I can assure you that we are going to look at all of those contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

Senator COBURN and I expected Director Paulison to stick to his word and rebid these contracts. But a month and a half passed, and the contracts still had not been rebid. So last November, we introduced an amendment to the tax reconciliation bill expressing the sense of the Senate that FEMA should immediately rebid these contracts. Our colleagues agreed and the amendment passed by unanimous consent.

After our amendment passed, both Senator COBURN and I met again with Director Paulison and again he assured us these contracts would be rebid. Yet, surprisingly enough, these contracts still have not been rebid. And to add insult to injury, FEMA said in March that the contracts would not be rebid after all. In fact, the contracts have actually been extended, despite the fact that GAO found three of these four firms had wasted millions of dollars in taxpayer funds.

The abuse doesn't stop with these four contracts. We learned 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a \$40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. I have often heard it said that the definition of insanity is doing the same thing over and over again and expecting a different result. Frankly, what we are doing with Katrina funding borders on insanity. We in Congress keep

on trusting FEMA to enter into competitive contracts even though there is no evidence that it has any intention of doing so.

The amendment we are offering today is only our effort to say enough is enough. Our amendment requires all Federal agencies to follow competitive bidding procedures for any Katrina-related contracts exceeding \$500,000. It is a commonsense amendment. It is a good-government amendment. Eight months after Katrina, there is no longer any emergency that justifies a no-bid contract that might have been entered into in the days after Katrina. If there is an emergency, it is getting control of how the money is being spent by FEMA.

The American people deserve the benefits of competition on Government contracts. Competition is good for American business. It is also good for government. It helps ensure high quality and low cost. That is what the American people have the right to expect. That is what our amendment seeks to deliver.

Before we spend another dollar in the gulf coast, let's make sure we have some transparency and accountability in place to ensure that Federal money is helping those people who need it the most, instead of lining the pockets of contractors. In our rush to give money to the gulf coast 8 months ago, we didn't do that. It was understandable. We were all shell-shocked by what had happened. But the American people, and more importantly the victims of Katrina, have paid a heavy price. I urge we not repeat that mistake. I urge my colleagues to support Senator COBURN and me in this effort.

Mr. President, I understand the Senator from Oklahoma does not wish to speak on the amendment, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Alexander	Bunning	Coleman
Allard	Burns	Collins
Allen	Burr	Conrad
Baucus	Byrd	Cornyn
Bayh	Cantwell	Craig
Bennett	Carper	Crapo
Biden	Chafee	Dayton
Bingaman	Chambliss	DeMint
Bond	Clinton	DeWine
Boxer	Coburn	Dodd

Dole	Kohl	Reid
Domenici	Kyl	Roberts
Dorgan	Landrieu	Salazar
Durbin	Lautenberg	Santorum
Ensign	Leahy	Sarbanes
Feingold	Levin	Schumer
Feinstein	Lieberman	Sessions
Frist	Lincoln	Shelby
Graham	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hagel	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Menendez	Sununu
Hutchison	Mikulski	Talent
Inhofe	Murkowski	Thomas
Inouye	Murray	Thune
Isakson	Nelson (FL)	Vitter
Jeffords	Nelson (NE)	Voinovich
Johnson	Obama	Warner
Johnson	Pryor	Wyden
Kennedy	Reed	
Kerry		

NOT VOTING—2

Enzi Rockefeller

The amendment (No. 3810) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3641, DIVISION XII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3641, division XII, and I ask unanimous consent for its withdrawal.

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

AMENDMENT NO. 3641, DIVISION XIII, WITHDRAWN

Mr. COBURN. And I ask unanimous consent to withdraw division XIII.

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

AMENDMENT NO. 3641, DIVISION XIV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XIV be withdrawn.

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

AMENDMENT NO. 3641, DIVISION XV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XV be withdrawn.

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

AMENDMENT NO. 3541, DIVISION XVI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVI.

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

AMENDMENT NO. 3641, DIVISION XVII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVII.

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

AMENDMENT NO. 3641, DIVISION XVIII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent for the withdrawal of division XVIII.

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

Mr. COBURN. Mr. President, I withdrew amendments for things I still do not agree with that are in this bill. I am not going to spend the time in the Senate now, but I will spend the time

before we have the final vote on this bill to discuss what is in this bill that is not emergency, that is not an obligation by the Federal Government, that is not prudent or fiscally wise. I will not spend the time on that at this time.

AMENDMENT NO. 3641, DIVISION XIX

Mr. COBURN. I ask unanimous consent division XIX be brought up.

The PRESIDING OFFICER (Mr. CHAMBLISS). The measure is pending.

Mr. COBURN. Mr. President, this is an amendment that removes \$11.3 million from our Corps of Engineers, Sacramento River Bank Protection Project in California.

I have no lack of understanding of the potential flooding problems occurring in San Francisco and south of there in California and the way the rain patterns have changed. I am not wishing to defeat anything that will make a real difference on that.

This amendment is about a program that is 46 years old that, according to the Corps' own statement, is 95 percent complete, that we have already spent \$131 million on, that \$10.6 million is being spent this year, as we speak, on this program.

In this supplemental, they are asking for another \$11 million for this program. I don't doubt that the \$11 million will be needed. But it won't even get there under this emergency supplemental, through the Corps' own admission, until after September when the new year starts.

First of all, it does not meet the definition of "emergency," that it should meet in coming through this bill.

What does this program do? This program solves and prevents levee erosion problems while providing fish and wildlife mitigation. That is what the program does. It has been going since 1960.

We had \$6.3 million included in the energy and water appropriations bill last year and an additional \$10.96 million. The Corps also stated that \$57 million more is needed for the final completion of this project.

This says a lot about the Corps of Engineers and their ability to get things done. Although I might agree we need to eventually spend the money for this project, it certainly ought to be paid for and come out of the energy and water appropriations because the money will not get there to be utilized. They have not even spent the money appropriated on the spend-out this year.

I am not, in substance, against completing this project. It comes back to the same things we have been talking about. Is it an emergency that we do it now? And if, in fact, it is an emergency, will the money get there and make a difference? It won't.

I am asking this go through the regular process, through the energy and water appropriations, that it be authorized to the extent that the Senators from California would like to have it, and that we do it in regular order.

It would be different if we thought this money was really going to make a difference with the problems in California, but it is not. It will not change one thing in terms of how the Corps operates this program this year. By the time the money would get there, it would have to be reprogrammed anyhow.

I have some other problems with this program. Ask yourself: If we have spent \$131 million plus \$6.3 million, \$137 million already, and the Corps says it is 95 percent complete, and then they say they need another \$51 million to complete it, how can it be 95 percent complete?

This is not about the need. This is about the inefficiencies within the Corps. This is about whether we can get the money to solve a problem that is deemed an emergency at this time, but I seriously doubt whether that has been the fact.

The Corps has been cited on numerous occasions by the GAO for its inability to predict costs, stay within the forecasted budget. In fact, some of GAO's strong criticisms have come in regard to this very work in the Sacramento area.

I made the point in an earlier amendment with Senator OBAMA that the Corps made \$5 a cubic yard on everything we removed in Katrina. That is over 30 million cubic yards. That is \$150 million the Corps took out of the Homeland Security and the emergency appropriations. Why don't we spend that money on this? Why do we borrow more money against our children and grandchildren to accomplish this worthy goal?

When I ask those questions, we do not get any answers. No one answers the question, can we efficiently be good stewards of our children and our grandchildren's money? When is enough enough? If this project is, indeed, an emergency, as we are being told, we need to be asking the tough questions. How long does it take to shore up levees near Sacramento—46 years for the Corps to do this job? I have a real sneaking suspicion 10 years from now the Corps will continue to ask us for money to shore up levees in Sacramento. And if that is the case and they have not completed it, it means they will not have done a good job on the very job we ask them to do, which is something I contend anyway.

These funds may, in fact, be needed. If that is the case, the Corps of Engineers has failed miserably.

I intend, in my oversight committee, to ask for an explanation of every penny the Corps has spent on the river bank protection near Sacramento. Representatives of this city and taxpayers all across the country should be outraged regarding the irresponsibility of the Corps in carrying out this project. Forty years and over \$130 million later, we are asked to give the Corps an additional \$11 million in emergency appropriations, money we will have to borrow, all because the Corps cannot do

its job correctly the first, third, fourth, fifth, up to the 46th time.

Enough is enough. No venture would ever continue to receive such high funding with this track record.

Two other questions I think should be asked. Does the Corps lack the resources to fund the emergency needs? According to the Office of Management and Budget, the Corps of Engineers had \$4.5 billion in unobligated balances last year and has an estimate of \$5.8 billion in unobligated balances this year. According to the Corps itself, as of March 30, their unobligated scheduled carry-over was \$1.49 billion. They have the money to do this right now.

The Sacramento Corps office will have unobligated balances by the end of 2006 in excess of \$13.5 million.

I ask again: Why are we going to borrow money when we have the money? If, in fact, it is an emergency, the Corps has the money in unobligated balances to accomplish it. All we need is an authorization to do that.

How do we prioritize Federal funds in California? In fiscal year 2006, California has 549 earmarks costing \$733 million. In addition, it received \$10 million in earmarks for museums alone. That expenditure alone would have been enough to pay for nearly all of this requested work.

Are the following museum earmarks more important than protecting the city of Sacramento: \$200,000 for the California State Mining and Mineral Museum; \$550,000 for development and construction of Noah's Park at the Skirball Cultural Center; \$4.35 million for repairs of Sala Burton Maritime Museum, in San Francisco; \$300,000 to the city of San Jacinto for improvements to the museum/Extudillo property; \$175,000 for the M.H. de Young Memorial Museum; \$500,000 for the construction of a museum also at the San Francisco Fine Arts Museum.

Just the museum earmarks alone would take care of this. So instead, what we are going to do, we are going to borrow money because we do not have the money to pay for this.

Attempting to attach more funds for the project, the project in its 46th year, outside of the regular budget process, is an abuse of taxpayer resources, takes advantage of the emergency appropriations process intended to deal only with the most urgent and immediate needs of the devastated gulf region, and to provide for our soldiers in battle.

Senator BOXER said on May 1, 2005, the war should be paid for in the budget, not in an emergency supplemental. The war is known. The cost of the war was anticipated by some people that this administration fired. The cost of this war is spinning out of control.

The same can be said for this project. This project was authorized in 1960. It has received over \$100 million and its future costs are known. This should be addressed in the regular appropriations process, not in an emergency supplemental.

With that, I yield the floor, and I offer time to the opponents of my amendment.

Mrs. FEINSTEIN. Mr. President, I am joined in the Senate by my friend and colleague, Senator BOXER. We are joined at the hip in opposition to this. If there ever was a disaster waiting to happen, it is the levee situation in the State of California. I will take a few minutes to explain why.

Let me begin with this fact. We have a comparison of flood protection levels for major river cities. Sacramento is the only city in the Nation with 85-year protection. All comparable cities—New Orleans, 250-year flood protection; Omaha, 250 years; Dallas, 500 years; Kansas City, St. Louis, Tacoma, 500 years.

The problem is, much of this area is 20 feet or more below the river, below the flood basins.

I stood in a home in Sacramento on Saturday. It was 20 feet below the level of the river. That is the problem. The sedimentary base of soils there is peat, and it is easily crumbled.

What you have are 2,600 miles of levees—some owned by the Federal Government, some by the State, some by private owners. These levees become eroded. And because of the heavy rain—the heaviest rainfall, I believe, that I can remember in California—there is deep concern about these levees.

Let me show you the specific area we are talking about. Shown in this picture is the Sacramento Pocket Area. The Governor, Mr. POMBO of the House, and a number of other public officials were right in this area—standing right here—a short time ago. We flew over the area. These are homes, all 20 feet below the river area. There are several places in this area that are priority needs for restoration immediately.

The Governor has declared a state of emergency. The Governor has advanced State moneys. The Governor has said this is of urgent priority. The fact of the matter is, at any time, places along this levee could go. You would flood 100,000 people in 20 feet of water. Many would be unable to evacuate. You would have real catastrophe.

The Army Corps of Engineers, through Colonel Light, the commander of the Sacramento District, came back. We sat down with Senator COCHRAN, the chairman of the committee, Senator BYRD, Senator DOMENICI, and Senator REID. It was all explained that there is an emergency. Earthquake probabilities, for a major earthquake equal to 1906 in San Francisco or higher, are 62 percent by 2030. If there is an earthquake equal to what took place in California, the likelihood is that this entire area would be flooded and hundreds of thousands of people could be involved.

Now, this bill provides \$23 million in contingent emergency funding. This particular division is \$11.3 million. Funding would become available only if the President requests the money and certifies that it is an emergency.

As I say, on February 24, the Governor proclaimed this state of emergency. He cited 24 critical erosion sites. That has been changed to 29 because of ongoing erosions due to the current high water level.

Today, there are 400 people from Sacramento who were worried enough about it that they have come to the Capitol to lobby for these funds. The money can become available as soon as the President signs the bill and certifies the contingent emergency.

The Sacramento River Bank Protection Project is the Federal project that repairs these critical erosion sites. This additional funding will ensure that these sites are repaired in this construction season. Both the State, Senator BOXER, and I have looked very carefully: Is this money that could be used this fiscal year, before the end of September, on these sites? The answer is clearly, yes.

Today, President Bush announced he is expediting environmental review to allow construction work on the sites to proceed as quickly as possible.

So President Bush, Governor Schwarzenegger, and the Senate Appropriations Committee all recognize how important it is to repair the weakened levees along the Sacramento River.

Mr. President, 174 actively eroding sites on levee banks have been identified. The highest priority is 29 of these sites. That is what we are trying to repair as soon as possible to prevent subdivisions, such as this one shown in this picture, from being inundated with 20 feet of water.

I stood there. I saw it. I saw the difference in height. And that is a phenomenon on the levee. Some might say housing should have never been built there, but the fact is it was.

The critical sites we are asking money for stretch along 137 miles of the Sacramento River. They include areas of the river in the city of Sacramento, and that is this pocket area.

Now, these homes sit virtually in the shadow of the levee system, and modeling by Sacramento show that a breached levee would result in the area flooding to depths of 17 to 20 feet.

This area is called the "Pocket" because the homes sit in a pocket by a broad curve in the river.

Mr. President, 33,000 homes are here; 100,000 people live right here. Colonel Light, the commander of the Sacramento District of the Corps, has indicated to me, to Senator COCHRAN, to Senator BYRD, to Senator DOMENICI, to Senator REID, that this money can be utilized by the Corps now. The reason they cannot transfer funds is because prior legislation of this body and the other body prohibits the transfer of funds above a certain amount in a timely and effective manner.

The repairs consist largely of armor-ing the levees with rock. Of the 29 sites, repairs for 5 have been designed already, and the remainder will be designed in the next few months.

I do not need to tell you what a major flood would do. I do not need to

tell you that these rivers are at historic highs right now. And it is as the river begins to decline that they worry most because the fear is the water subsiding will take with it portions of this levee.

The work has to be done.

It is kind of interesting. I often tell a story of when I was mayor, and the director of Public Works came to me and said: Madam Mayor, I think if there was an earthquake, the rim of Candlestick Park would come down. And I thought: What is the likelihood of that? I said: How much does it cost? He told me. And then I thought: I now know this. I have an obligation to do something about it. We found the money. We repaired the rim. And who would have thought that the Giants would have been in the second game of the World Series, at 5 o'clock, when the Loma Prieta earthquake hit, and the rim of Candlestick Park—had it come down—would have killed 20,000 people sitting directly below it.

I am telling you that these levee banks could breach. I am telling you that 100,000 people and 33,000 homes—as shown right here—could lose their lives and their homes. And the evacuation difficulty is enormous.

It seems to me that once we know this as public officials, we have an absolute obligation to do something about it.

The Appropriations Committee has agreed. The money can be used this fiscal year. And both my colleague and I believe very strongly we should vote "no" on this amendment.

I would like to yield the floor to my colleague. I know she is here somewhere.

Mr. COBURN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. COBURN. When you were changing Candlestick Park, you did not borrow money from future generations of Americans to do that? You found it within the budget? I believe that is correct; is it not?

Mrs. FEINSTEIN. Well, it is interesting. City and county budgets have to be balanced. The only budgets that do not have to be balanced are the State budget, at least in California, and the Federal budget. But we had to balance our budget, so, yes, I did have to find the money by taking it from other places. That is true.

Mr. COBURN. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will.

Mr. COBURN. I have said I do not deny this work needs to be done. Can you foresee that the environmental impact assessments for all this will be completed in time for this money to be used this fiscal year?

Mrs. FEINSTEIN. Yes. Because I am told the declaration of emergency by the State and the contingent emergency by the President, which he said he would declare this morning, effectively clears that for this particular work on these particular high-priority sites.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Yes, I will.

Mr. COBURN. Does it concern you at all that over the 46 years of this project the engineering by the Corps of Engineers for these levees is requiring them to go back now, in 29 places, and fix what they should have done right the first time? Does that concern you at all?

Mrs. FEINSTEIN. Well, of course it does. Of course it concerns me. But we learn in this business. And I think Katrina was a big learning lesson for all of us. And we have not done right by our infrastructure.

One of the problems is, as we have to cut discretionary spending that is non-defense, not entitlements, the only thing we are cutting—we are cutting 18 percent of what we spend every year. These are Federal levees. They are owned by the Federal Government. There is a responsibility to protect the people behind them.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Of course.

Mr. COBURN. Would it make sense to you that we could, in a supplemental, change the authorization under the emergency process so that the Sacramento Corps could use their \$13.5 million they are going to have in unobligated balances at the end of this year? We could do that just as well as borrow an additional \$10.9 million against our children; could we not?

Mrs. FEINSTEIN. Well, I have not looked at this. I was at the Napa River, where we have a big flood project, and there is a problem there. The corps there told me they could not transfer funds above a certain amount. And I believe there was some provision in a prior supplemental to prevent the transferring of that money.

Let me say this to the Senator. Do I believe this is a life emergency? Yes. Do I believe that any day these 100,000 people and 33,000 homes could be flooded? Yes. Why? Because I know they are 20 feet below the water level. I know the water level is the highest it has ever been. I know the levees are eroded. I know what they call "boils" are popping up all over.

I know it could happen. And when it happens, it happens so fast because there is so much water. So because I know it, and now you know it, we have an obligation to do something about it. And that is what the Government is here for: to save lives in the event of an emergency.

We also know that earthquake probabilities are way up, and this could be devastating. So this work has to be done. We are asking for money in the Energy and Water bill. We will have additional money there. We are going through the regular channels. But this high priority work should be done now. And we should get the money there as fast as we possibly can.

It could happen tomorrow, it could happen the next day, the next week. I

could not live with myself if it happened, and, respectfully, you could not live with yourself if it happened because you now know it can happen.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to say to Senator FEINSTEIN how much I appreciate her leadership on this in the Appropriations Committee. I wish to say to the chairman of the committee how much I appreciate his understanding of what we are going through in our State with historic rains, historic flooding. I thank the Appropriations Committee for listening to Senator FEINSTEIN when she transmitted a request from the two of us and also from our Governor. This is a bipartisan request.

I ask unanimous consent to have printed in the RECORD a letter written to Senator COBURN from Governor Schwarzenegger. I also ask unanimous consent to have printed in the RECORD information regarding the Sacramento region.

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

STATE OF CALIFORNIA,
OFFICE OF THE GOVERNOR,
Sacramento, CA, May 2, 2006.

Hon. TOM COBURN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COBURN: I am writing regarding your proposed amendment to the supplemental appropriations bill that seeks to block additional funds needed to repair California's Central Valley levee system.

As you may know, I am working very closely with Senator Feinstein and members of the California Congressional Delegation to secure additional federal funds to share in the costs of repairing California's Central Valley levee system. The need for funding and quick action could not be more urgent and that is why I have made it my top priority to work with our State Legislature to enact a major infrastructure bond initiative that would dedicate \$2.5 billion in state funds for urgently needed levee repairs along this federally authorized flood control system.

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection. Sacramento has a 100-year level of flood protection. This is the lowest of any major city in the United States. It is only a matter of time before there is a significant levee breach or system failure. Such an event would flood valuable farmland that produces food for the entire nation. All of Sacramento and other Central Valley towns would be flooded. According to modeling done by the City and County of Sacramento, a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply. Such an event would also cause a major economic disruption in California and across the nation. Most troubling is without action, the lives of thousands of Californians are at risk.

As you know, Senators Feinstein and Boxer have worked very closely with Chairmen Cochran and Domenici to include funds in the pending supplemental appropriations bill for certain levee and flood control im-

provements in the Sacramento region. These funds are for identified improvements that can be completed this fiscal year in federally authorized flood control projects.

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act. Moreover, any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as necessary emergency funding and support this as part of the supplemental appropriations bill.

Sincerely,

ARNOLD SCHWARZENEGGER.

THE SACRAMENTO REGION IS AT GREATER RISK OF FLOODING THAN ANY OTHER MAJOR U.S. METROPOLITAN AREA—FULL FEDERAL PARTNERSHIP IS CRITICAL TO PROTECTING THIS VITAL REGION

SACRAMENTO: A REGION AT RISK

The city of Sacramento is at the confluence of two great rivers, the Sacramento and the American. And while these rivers help shape the Sacramento region's identity, they also pose a very real, very serious risk—flooding.

A catastrophic flood will devastate lives, property and the economy. Nearly a half-million residents who make the city of Sacramento their home will be impacted. That number grows to over 2.2 million people within the six-county region surrounding the city. Regionally, one million jobs will be affected by a catastrophic flood and the direct and indirect economic loss of property and economic activity could total nearly \$30 billion. The Sacramento region represents over \$73.3 billion annually in gross regional product.

A major flood in the Sacramento region will send economic shockwaves rippling throughout the region and state. These include serious impacts to principal transportation arteries such as interstates 5 and 80, railway thoroughfares, and Sacramento International Airport. This jeopardizes over \$2.6 billion in Central Valley agriculture and livestock production—a vital national resource.

The Sacramento region is a civic, commercial, healthcare and economic hub for greater California and must be protected. The Sacramento region serves as the capital of California—the world's sixth largest economy. Sacramento area levees protect nearly one million acres of farmland in the Sacramento Valley. At least 10 major hospital facilities are found within the region. In addition, the Sacramento metropolitan region serves as a "nucleus" for state and federal civic activity, providing a home to 1,300 government facilities supplying over 200,000 public sector jobs.

Given all that the city, region, state and even the nation stand to lose, it is astonishing that the Sacramento region has the lowest level of flood protection of any major U.S. metropolitan area. The 1986 high-water event demonstrated the region's population centers are extremely vulnerable. It is estimated that six hours of additional rain during that time would have led to catastrophic failure of the region's flood protection system.

Since 1986, federal, state and local interests have invested over \$400 million in levee improvements, reservoir re-operations and floodplain restoration, but critical flood protection deficits, including erosion, stability, levee heights and underseepage, still exist. These deficits prevent the Sacramento region from achieving even 100-year flood pro-

tection in many places and have made flood protection the Sacramento regional Congressional delegation's number one public safety issue.

Sacramento must achieve a minimum of 200-year flood protection immediately.

FULL FEDERAL PARTNERSHIP: A CRITICAL ELEMENT

While local and state leadership are unified in making flood protection a priority, it is essential that FY 2007 appropriations fully fund the \$89,240,000 federal share of Sacramento's authorized flood protection program. Appropriations are critical to continuing levee improvements on the Sacramento and American rivers and Folsom Dam—a necessary part of protecting the region's livelihood and achieving a minimum of 200-year flood protection.

Similarly, it is essential that federal partners support and reward state and local efforts to enhance flood protection. These efforts, which are sustained by state and local funding initiatives, should be incorporated into the traditional federal/local flood protection partnership using appropriate crediting and reimbursement arrangements. This is necessary in order to expedite project permitting, contracting, and construction activities.

Mrs. BOXER. I am going to read part of this letter. He says:

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection.

And then the Governor says:

Sacramento has 100-year level of flood protection.

That is optimistic. Most experts tell us that it is an 85-year level. And whether it is 85 years or 100 years, it is the lowest of any major city in the U.S.

The Governor writes:

It is only a matter of time before there is a significant levee breach or system failure.

This is important for the Senator from Oklahoma to hear. I know he has been very gracious in filling me in on this and saying: I didn't go after your other items but just this one. But the fact is, this one is as important as all the rest. The Corps has told us they need these funds to move forward.

Here is what the Governor says:

Such [a flooding] event would flood valuable farmland that produces food for [our] entire nation.

I say to my friend from Oklahoma, please, listen to us, because the food supply for the entire Nation is at stake, according to Governor Schwarzenegger, Senator FEINSTEIN, myself, and a bipartisan delegation in the Congress.

The Governor says:

All of Sacramento and other Sacramento Valley towns would be flooded. According to modeling [that has been done], a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply.

I say to my friend from Oklahoma, in this body we are all equal, two Senators from every State. We have 37 million people in my State. Sacramento is a huge growth area. I will get into the

numbers in a minute. We are not talking about a few people being hurt. We are talking about a catastrophe. We are talking about farmland. We are talking about the State's water supply. About two-thirds of the water supply in the State comes from that northern area.

When my friend started, he was very nice and said he doesn't doubt the fact that the Sacramento levees are a problem, and that San Francisco has been having problems. I wrote down what he said. He said: San Francisco and the area south of there. This is the area north of San Francisco. This is Sacramento. I don't think my friend really, with all due respect, gets the intricacies of what we are dealing with here. There is a difference between north of San Francisco and south because north of San Francisco is where we have delta—again, two-thirds of the water supply of our State—the farmland and all the rest. South of San Francisco, we have Silicon Valley. That has other issues. But right now, we are talking about the Sacramento area, which is north.

The Governor goes on to talk about the economic disruption. Because we are such a large State, people say when California sneezes, the country gets a cold. It is an expression that speaks to the power of our State in terms of economic productivity. And in terms of the goods coming across into the ports of California and going all across into your State and everybody else's—this region is the bread basket. So we ask you to back off this amendment.

This is so not a partisan issue. The Governor writes:

As you know, Senators Feinstein and Boxer have worked closely with Chairmen Cochran and Domenici to include funds in the pending supplemental . . . for certain levee and flood control improvements . . .

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act.

The Governor came here. He met with Senator DOMENICI and many Senators. He said:

. . . any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as a necessary emergency funding bill. Support this.

I want to show a picture. Senator FEINSTEIN showed us a version of this. They all tell a story better than I could. Here you have the Sacramento River. Here you have thousands and thousands of people. Here you have the levees, and here you have the riverbed. And what has happened, if my friend would like to take a look at this—I know he doesn't question that we need a project; he questions whether it belongs in this bill. I understand.

Mr. COBURN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. COBURN. I question how we are paying for it. We are borrowing the

money from future generations to do it rather than make the hard decisions of trimming something else. That is important.

Mrs. BOXER. That is what I just said. I said the Senator doesn't oppose us doing this. He doesn't want it in this bill. That is my understanding of his position. I couldn't disagree with you more. When my friend quoted me and I said Iraq should have been in the budget, that is exactly how I feel, because we knew about it. Frankly, we didn't know about this, that we were going to have the kind of events we have had, the rain and the rain and the rain. I will go into the details of how much rain we have had compared to other years and the fact that anything can happen now.

The weather patterns are changing. When I lived in the bay area in California so many years ago, it is too long to remember, when I first came here in the 1960s, you never had rain in March, let alone April. It was dry. It was dry really from mid-February on. It has been moving forward, and we have March as one of the rainiest months and then April. We had a month this year—April—where we had rain almost every day. It is unheard of. You can see how muddy this is. You can see the breaks here in the riverbank.

I will show you another picture on the other side where there is not as much development but the same thing has occurred. These trees were on the other side of the riverbank. Look at these trees. They are now buried in the water. So if we don't go ahead with the Corps now, when the Corps tells us we need to do this now, we are going to lose this riverbank. We are going to lose the levees. And then it is too late.

My friend says he wants to save money. It reminds me of the old adage of penny wise and pound foolish. It is a colloquialism, but the fact is, you have to prevent things. This is an emergency circumstance, as the Governor said. These levees could break. Now we have a snowmelt. That snowmelt occurs, that water gets deeper, the pressure in that river increases, and the riverbank begins to disappear, leaving those levees exposed.

I wish to refer to a document put together by the Chamber of Commerce in Sacramento. It reads, "Sacramento: A Region at Risk." Cities and counties don't like to say, especially chambers of commerce, we are at risk. They don't like to say that because they want to have investment. They want people to come in. They don't go about saying: We are in danger. And when a chamber of commerce goes out and says: We are in danger—and these are Republicans mostly, and these are as conservative as my friend from Oklahoma; they know that an investment is not wasteful spending if, in fact, we are going to save money at the end of the day. How much would we have saved if we had built stronger, better levees in Louisiana? Untold, probably billions. I don't think my friend is at all a fiscal

conservative by taking away \$11 million. It is reckless. I hope and pray that my colleagues are listening to this debate and are looking at these pictures and understanding what we are talking about.

The Sacramento area faces a triple flood threat, and it faces it now. We have a confluence of two major rivers, the threat of a deteriorating flood control system, and the threat of near record precipitation this year. We are talking about 165,000 homes, nearly 500,000 residents, the State capital, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs. A major flood along the lower Sacramento or American Rivers would cripple the region's economy. I will go into that tomorrow because Senator FEINSTEIN and I each have 15 minutes in the morning. I will save some of my talk for then.

California has the world's fifth largest economy, and we are quibbling over \$11 million that the Corps says it needs to fix up these riverbanks. How outrageous, how shortsighted, how foolish. I don't understand why my friend is doing this. We talked. He feels deeply about it. I respect that. I voted with him a couple of times. I have been very careful, picking and choosing, sticking with the committee when I felt the committee was right, joining my friend. But I don't understand this one. This one is inexplicable.

The average family understands that if they have a problem with their roof, they fix it. They don't put it off. They fix it so that their home is not destroyed. It is straightforward.

Let's look at the pocket again. They call this the pocket of Sacramento; 112,000 people are at risk, and you can see clearly where this riverbank has deteriorated. On New Year's Day, Californians in the northern and central parts of our State awoke to flooding that cost the State \$200 million. We are talking about \$11 million so we can mitigate what comes next. But precipitation after January 1 has kept river levels very high, further stressing and eroding our critical flood control infrastructure.

Precipitation, including snow pack, as the snows melt, is nearly twice the normal amount, 174 percent of normal, and that is just as of last week. And the snows are just now starting to melt.

We have another threat to this area. My colleague, Senator FEINSTEIN, said it beautifully: How would we feel if we did something on this Senate floor today that turned our backs on this issue and then we had a tragedy?

We would not feel very good about it. So I am going to save the rest of my talk until tomorrow. But I am going to say to you, Mr. President, again thank you. It is very rare that we have such bipartisan cooperation in our State. This is not a Republican issue or a Democratic issue. We will have Republicans suffer if we have a problem and

we will have Democrats suffer. We are Californians united. Our Governor has recognized the crisis. He declared a state of emergency earlier this year to expedite improvement of this system.

Everything we did in this bill we cleared with the Army Corps and they say they can use this money. They need this money. They are going to move forward with these repairs. So my friend from Oklahoma can make the case every which way he wants. He can use rhetoric and say anything he wants. The bottom line is this, and I will quote Representative Dan Lungren, a Republican, who is very well respected among our Republican friends in this body. He said:

Today the Sacramento region has half the flood protection and twice the risk as did the city of New Orleans prior to Katrina. The cost of recovering from a flood-related disaster far exceeds the price of guarding against it.

Unlike other issues where we have come to the floor and it has been Republican versus Democrat, I can honestly say to you that I stand here representing a bipartisan, strong majority in my State and, hopefully, in the Senate, that says this: The 2005 hurricane season taught us some hard lessons—that we neglect shoring up eroded and damaged flood control infrastructure for major metropolitan areas at our peril.

We always say we must learn from history. We must surely learn from recent history. Sometimes we forget history that occurred way back, but we certainly should remember history from a year ago.

I urge my colleagues to vote a resounding no on this Coburn amendment and to take a stand for innocent people in this valley, in this area, these farmlands, these farmers, and the economy, and don't take out \$11 million that could do so much good to restore these banks.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the arguments that have been made by the Senators from California, in terms of needing to fix things, are probably accurate. But I am sitting here thinking to myself, if it would take only \$11 million to take care of this, and to know that the earliest this money is going to be there is 8 weeks, if I were Governor of California, I would find \$11 million. I would get that tomorrow. If it is not going to get done tomorrow, we ought to be asking why not, if the threat is that great and it imperils that much of the economy and that many people.

I still raise the same questions. I am not denying this needs to get done. I am denying how we pay for it. We are not making the hard choices to cut something else out of the bill to pay for this because it is a higher priority. No, what we are doing is taking the money from future generations because we refuse to make those hard choices.

That is what it is all about. We could have reprogrammed money within the Corps to get this done. The Governor could ask the legislature for \$11 million to get this done starting tomorrow. If there are 29 sites, what we do know about the Corps is it doesn't do anything fast. In this project, we know what they have done over the last 46 years has not been sufficient because they are having these problems. We will finish the debate tomorrow morning. The point is, I don't deny that this needs to get done. If it is the case that has been made by the Senators from California, then why hasn't it already been done? If there is this impending emergency, why hasn't California ponied up to put up the \$11 million that is so desperately needed right now to pay for it, rather than asking the rest of the country's children and grandchildren? If this bill had come to the floor paid for, I would not be out here. But it is not paid for. We are going to go write the bills and bonds to pay for this \$11 million. Maybe that is what we should do. Maybe that is the priority we should have. But I would think that the rest of the American people ought to say, where are you getting the money?

We are not making hard choices. We are passing it down the line. I agree if something were to happen, the cost would be much greater. I am a physician and I believe in prevention. That is what this debate is all about, preventing America from becoming a second-rate economy because we refuse to make hard decisions here on how we spend money. That is what this is about. I don't deny the desire to address this issue. That doesn't have anything to do with it. But if it is an emergency as described at the present time, why doesn't California fix it? Why hasn't California ponied up the \$11 million, which is a small amount there. It is the fifth largest economy in the world. They can come up with \$11 million.

Mrs. BOXER. Will the Senator yield?
Mr. COBURN. Yes.

Mrs. BOXER. Does the Senator not know that this is a federally authorized project? Is the Senator unaware of that?

Mr. COBURN. I understand that.

Mrs. BOXER. Cost sharing goes along with this project just as with every other project. So for the Senator to stand up and suggest that we don't pay into this project is simply false.

Mr. COBURN. Reclaiming my time, since it is a question, this isn't about whether you pay your share. It is about whether it is an emergency. If it is an emergency, then why wasn't it done last time? Why are we going back—why isn't a Corps that spent 46 years doing this project going back to repair what they didn't do right in the first place?

I am going back to the main point and then I am through. I will talk again in the morning. Where is the money coming from? Had the money been paid for, I would not be out here.

But the money isn't paid for. It is borrowed. So when you take \$10.9 million, take your calculator out and put it at 30 years and amortize it at 6 percent, you will come up to about \$55 million. That is what we are actually going to pay to do this \$10.9 million because we are borrowing the money. That is my point. I am not against doing it, not against getting it done, against prevention. What I am against is borrowing the money against the future of this country because we refuse to make the hard choices.

With that, I yield the floor.

Mrs. BOXER. Mr. President, I cannot allow certain things that were said to go unchallenged. My friend says this is not about paying your share, after he said it was about that. He made a big point, why doesn't California do something? Of course, we are doing something. We abide by the law. I have to say to my friend, if something happens in California, a bread basket of this country in many ways, there is going to be suffering throughout this country. If something happens to this economy, let alone the 112,000 people who live in this pocket, this particular amendment will put them at greater risk.

My friend says he believes in prevention. He is a doctor. I am sure he does and I am sure he does a wonderful job at that. But he doesn't believe in prevention right now, I will tell you that. Because that is what Senator FEINSTEIN, Governor Schwarzenegger, and both Democratic candidates for Governor—everybody agrees this has to be done. This is a Federal project. This is not a State project. This is a Federal project with a State share. The Army Corps has a responsibility which they have stepped up to the plate to do, and they told us they need these funds. As far as not paying for this, we know that emergencies get special treatment around here because they are emergencies. My friend says, why is this an emergency? Take a look at this. This isn't the way a river is supposed to look, the way a riverbank is supposed to look. This isn't the way a tree that was on the land is supposed to look, when it was on the other side of the riverbank. When you get the second highest predicted snow pack melt known to the history since they started taking down the record, in the history of California, yes, you have an emergency.

I know my friend from Oklahoma left the floor. I hope he joins me in a pay-as-you-go budget because I have voted for that every year. Frankly, right before the Bush administration, we had surpluses. Now we have deficits. I will admit that. I support pay-as-you-go budgeting. I have voted for it. We can talk about that another day. But this is a true emergency, just as I believe funding the veterans home in Mississippi was, which I was sorry I didn't get a chance to vote on. I listened to the debate. I could hardly believe my ears that the Senator from Oklahoma

was objecting to making sure that our veterans, elderly veterans, could go home. What is wrong? Something is wrong here with these debates. I don't know where the heart is, where the soul is. I don't know where the common sense is.

I pray and hope that tomorrow, come morning, we are able to get the votes to keep this funding in the supplemental. Again, I thank Senator COCHRAN. I thank the Chair for his patience. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I want to reiterate my motion simply to have an opportunity to offer an amendment. I think it is an emergency, and it is a moral imperative to deal with the issue in Darfur, Sudan. So I hope the mere opportunity to have a debate on the floor of the Senate would be allowed.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada

Mr. ENSIGN. Reserving the right to object, I support the Senator from New Jersey. I support the intent of his amendment and realize there is a severe emergency in Darfur about which many of us feel strongly, and we need to do something there. During consideration of this bill, we have been trying to hold the line on spending, to reprioritize. If there is something else the Senator can offer as an offset for this increase in spending, I would be more than happy to let the amendment be debated and voted on. But without an offset, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I say to my distinguished colleague, if I may, that we have talked with both the chairman's staff and with others who express the view that this is a moral imperative and have suggested offsets, none of which have been accepted. So it is very difficult to have a position in which we all agree there is a moral imperative to act and then we reject every offset that is proposed.

Understanding the Senator's concern, but also understanding that genocide does not have an offset to it, I once again ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. If I may ask the Presiding Officer a parliamentary question: If we were to proceed to the Senator's unanimous consent request, would that obviate the ability to offer an amendment during that time period?

The PRESIDING OFFICER. It would.

Mr. MENENDEZ. Then I have to object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, what I understand is that the Senator from New Jersey is going to send an amendment to the desk that has an offset for the funding for Darfur, and with that as a modification to the unanimous consent request, I will not object.

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

AMENDMENT NO. 3777, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up my amendment that is at the desk with a modification and ask unanimous consent that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA, proposes an amendment numbered 3777, as modified.

The amendment is as follows:

On page 89, line 9, strike "\$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 1006."

and insert in lieu thereof "\$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

SEC.—Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be \$1,392,600,000.

Mr. MENENDEZ. Mr. President, last Sunday, thousands of Americans gathered here in Washington, DC, and in other cities across the country to focus our attention on the horrific acts being committed a world away in Darfur, Sudan. But it wasn't a gathering of the powerful, although politicians and celebrities were there. It was a gathering of the American community—of high school students, of members of synagogues and colleges, of churches, of people of all races, ethnicities, and religions. In fact, the movement to stop genocide in Darfur has been led by some of the youngest in our society.

In New Jersey, students in middle schools have raised funds for refugees. Young people at colleges have led the movement to divest from Sudan. They are not the leaders of the future; they are the leaders of today.

I know that as I stand here calling for action, I am not alone. In my home State of New Jersey, high school students started a nonprofit organization called Help Darfur Now which raises awareness and funds for the refugees in the Sudan.

Newark, NJ, is the headquarters of the Darfur Rehabilitation Project, a national group started by the Sudanese people living in the United States who lobby for humanitarian aid, intervention, and conflict resolution in the Sudan. And across the country, Americans are signing petitions, participating in marches, holding townhall events and contacting their elected officials to demand that the dire needs of the Darfuran people be addressed. It seems to me as representatives of the people, it is our job to act.

Here in Congress, many of our fellow colleagues in the Senate and in the House of Representatives have led the fight for real action to address the genocide in Darfur, and I certainly salute them for their hard work.

When we talk about genocide, it seems to me it is almost impossible for any of us to take the intellectual understanding of what that means: the number of people killed, over what period of time, and for what reason, and to comprehend the dimensions of such atrocities.

The truth is that each of the estimated 200,000 to 400,000 people murdered in Darfur was a father, a mother, a sister, a daughter, or son slaughtered by their own countrymen whose ethnic makeup and religion was similar to their own. Each of these people has a family who mourns them and a community that lost them.

Many of us here cannot imagine what life is like for the at least 2 million

who have been displaced in this conflict. Those who have survived have the scars of watching their relatives and neighbors murdered, raped, and subjected to other horrors we cannot imagine.

For the hundreds of thousands of people who fled to Chad, the terror continues as they face new attacks in this expanding conflict. Samantha Power, who is a Pulitzer Prize winning expert on genocide, has pointed out that many women face the essence of a Sophie's choice: They can either leave their villages and camps to gather firewood, facing the likelihood of rape or attack by the jingawit, or starve inside the camp.

It is in this dire context that the World Food Program announced that it would be forced to cut the rations to feed those who are affected by the conflict in Darfur. This means people already facing a humanitarian crisis will now only receive half of the recommended level of calories per day. Even worse are reports that at least 200,000 people have been displaced since January, and that many of those cannot be reached or helped by aid agencies.

A recent article in the New York Times quoted one senior humanitarian aid official as saying:

The situation for humanitarian workers and the United Nations has never been as bad as it is now. The space for us to work is just getting smaller and smaller.

Not surprisingly, the Sudanese Government, which is supporting the groups that conduct this campaign of death and destruction, continues to hinder any attempts by the international community to assess the situation and provide aid to the millions of refugees. Just this month, the Sudanese Government denied entry into the country to Mr. Jan Egeland, a top U.N. official on humanitarian issues. Last week, Sudan refused to grant visas to officials who intended to conduct a U.N. military assessment on planning a peacekeeping operation in Darfur.

So in a region the size of Texas, 7,000 African Union troops have been put in place to protect the people of Darfur. While I believe the African Union force is better than nothing, their troop numbers are clearly too small. They are underfunded, underequipped, and lack a mandate to protect civilians. I agree with many of the experts who have said that we need to at least triple the size of the African Union force as a bridge until we can get a U.N. force operational in Darfur. I also think the President and others have the right idea of using NATO forces to provide logistical support while letting countries with Muslim populations take the lead on the ground.

Of course, we face some obstacles to getting a U.N. force into the Sudan and controlling the situation. First, the Chinese continuously stand in the way of the United Nations. Let's make it simple: The Chinese buy oil from the Sudanese, and they don't want to stop.

In fact, China, because of its rule that it doesn't involve itself in any way in the domestic affairs of other countries, has no problem buying oil from a government committing genocide in the Sudan. Then there is the issue of Osama bin Laden, who has denounced the idea of U.N. troops and in his most recent audiotape broadcast called on Muslims to fight such a force.

In the past, some steps have been taken on the part of the United States and the international community to address the crisis in Darfur, but the violence continues. Congress has appropriated funds for African Union peacekeeping, food aid, and support for refugees. The United Nations Security Council has passed various resolutions raising concerns about war crimes committed in Darfur. The Government of Sudan and the two rebel groups involved are now in negotiations, and I know that Deputy Secretary of State Zoellick is there now trying to reach a final agreement with the rebels. Yet, despite all of these measures, the sad truth remains that the people of Darfur face a bleak future of uncertainty, suffering, and death. It is time that we take additional action to stop the genocide in the Sudan.

That is why this amendment that I have had other colleagues join me in would provide \$60 million to support U.N. peacekeeping in Darfur. I certainly wish to thank the cosponsors of this amendment—Senators LEAHY, DURBIN, SARBANES, DODD, OBAMA, LAUTENBERG, WYDEN, and STABENOW—for their support and for their efforts.

The African Union troops in Darfur are clearly overwhelmed by the challenge at hand. This amendment would provide critical funding to equip international troops and restore law and order to the region of Darfur. Although the intervention of U.N. troops has not been authorized, this amendment would assure that when it is accomplished, the money is there, and it will increase pressure on the African Union, the Khartoum Government, and the international community to make sure that a U.N. force is put in place in Darfur.

For those who would question the amount—even though it is now offset—proposed in this amendment, I would like to point out that my amendment adds the same level of funding to the Contributions for International Peacekeeping account that has already been approved in the House supplemental appropriations bill. There is no other way to get these funds to protect the people of Darfur. They are not in the current funds appropriated for fiscal year 2006. I think we can all agree that genocide in Darfur constitutes an emergency—an emergency to which this body has a moral obligation to respond.

Genocide is not a new phenomenon. We have witnessed this hatred and inhumanity many times over the past century. After the world learned the horrors of the Holocaust, America and

the international community vowed: Never again. Never again. After we saw the gruesome slaughter of approximately 800,000 Tutsis in less than 100 days in Rwanda, we swore: Never again. Never again, however, is an empty promise—it is an empty promise—if we do not take action to stop the murder of innocent people when we know it is happening.

Once again we find ourselves in a position to make that choice, and history is going to judge what we do—not what we say about never again but what we do when we have the power to do it. For even as I stand here today, I know the number of dead and displaced persons in Darfur continues to grow. Genocide is not Sudan's problem, it is not Africa's problem, it is the world's problem. It is our problem. And by failing to take part in the solution, we have become part of the problem. As Americans and as human beings, we have a moral obligation to help those who are suffering the consequences of genocide and who cannot help themselves. Now is not the time to forget that obligation, and history will judge us by the actions we take or fail to take in the next days as we move forward on this amendment.

Jan Egeland, one of the top U.N. humanitarian officials, has said, "Africa is the biggest drama of our time; nowhere else in the world are so many lives at stake as in Africa." Now is the time to act.

Some people might say that the fiscal 2007 budget proposal allocates sufficient funds to help the people of the Sudan. I would say you cannot put a price on human lives. Genocide is not a horror of the past; it is the reality, unfortunately, of the present. It is an emergency we must face today. The \$60 million this amendment offers will help put an end to the senseless murder and displacement of the people of Darfur. If American lives were at stake, I am certain we would find the money to act. I hope we have both the humanity and the commitment to say "never again," to make sure that we do so in this case. Simon Wiesenthal said, "For evil to flourish, it only requires good men to do nothing." Let us act now to put an end to this evil.

I hope my colleagues will see that in the face of genocide, this is money well spent. I certainly hope we are permitted to respond to a moral imperative because history will judge each and every one of us for how we act in the face of the genocide going on in Darfur and in the Sudan. I hope that when it comes time for a vote on this amendment, the chairman will actually be able to accept the amendment as offset as it is now. I find it sometimes difficult to hear that we have a moral imperative, that we say "never again," and yet we put up roadblocks for fulfilling and responding to that moral imperative, and when we offer solutions to it, there are those who do not like the solution of offsets.

The bottom line is, if it were one of us—if it were one of us—thank God we

live in the greatest country in the world, and it is not, but if it were one of us, if it were our family suffering the slaughter, would we be content with the councils of patience and delay? I daresay the answer is no. That is why I feel so passionately that we have an opportunity to fulfill the commitment to say "never again."

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague, Senator MENENDEZ, for his eloquent statement and for sponsoring this incredibly important amendment. I am proud to be a cosponsor with him and a number of my colleagues. It is incredibly important that we act and that we act now.

As Senator MENENDEZ described his amendment, it would add \$60 million to address the shortfall in the U.S. contribution to the United Nations for international peacekeeping and to fund a U.N. peacekeeping force in Darfur.

The situation in Darfur is alarming, and it is a true emergency. In fact, words can't describe how much of an emergency this is. Approximately 3.5 million men, women, and children in the western Darfur region of the Sudan are in a fight for their lives against the Sudanese Government-sponsored campaign of violence and forced starvation. Since the conflict began in February of 2003, recent estimates are that there are as many as 400,000—400,000—Sudanese people who have died, and more than 2 million who have been displaced. By some estimates, 500 people perish every day in Darfur. Five hundred people perished today, if those estimates are correct, 500 more will die tomorrow, and 500 more will die the next day. If this is not genocide, I don't know what is, and we must act to stop it as soon as possible.

The United States has taken the lead in the international community to provide humanitarian aid and to support the African Union peacekeeping mission in Darfur. However, we must do more. Clearly we have not done what we should and we have not done it fast enough if 500 people are dying every day.

We must ensure that our contribution to the United Nations Contributions for International Peacekeeping Activities account is paid in full so that we are credible when we support a U.N. peacekeeping mission in Darfur. This amendment helps make that possible. We must also apply pressure to the Sudanese Government so that they take action to stop the killing or face the consequences of their actions. We must not sit idly by any longer as people die from a coordinated government-sponsored campaign of violence and forced starvation.

I am also proud to be a cosponsor of the Darfur Peace and Accountability Act which calls for assistance to the African Union peacekeepers and urges the President to press for NATO sup-

port of the peacekeeping mission. I am hopeful that the House and Senate will soon—very soon—resolve the differences between the versions of the bill and send it to the President for his signature as soon as possible. Millions of men, women, and children are waiting and praying for us to act and to act now.

I am proud to join with Senator MENENDEZ and with colleagues on both sides of the aisle in this critical funding amendment regarding the U.N. peacekeeping mission to put an end to the genocide and bring peace to the people of Darfur. This is an opportunity for all of us together to do something that will address literally the lives of people who have no one else to turn to but those of us who understand what is going on and have the ability to act.

So on behalf of the human race, I urge this amendment and other actions be taken as soon as possible. We must act, and we must act now.

Mr. President, I yield the floor.

BIOMETRICS

Mr. BYRD. Mr. President, the committee report accompanying the fiscal year 2006 Iraq/Katrina supplemental appropriations bill includes the following provision: "The Committee is aware that the Defense Science Board is studying the management of the Department of Defense's biometrics program and will make recommendations on whether or not the current structure is meeting the needs of the warfighters dependent on the system in Iraq and in the Global War on Terror. The Committee directs no management changes be made until the Defense Science Board completes its study and informs the Congress of its recommendation."

Would it be the understanding of the Senator from Hawaii that any new or ongoing organization, personnel, or management changes within the Army, to include the Biometrics Fusion Center, be ceased until the Defense Science Board report is complete and briefed to Congress?

Mr. INOUE. Mr. President, that would be my understanding.

Mr. BYRD. Does the Senator also agree that until the Defense Science Board, DSB, study is complete and briefed to Congress, the Biometrics Fusion Center should continue to execute its mission to acquire, test, evaluate, and integrate biometrics, as well as to develop and implement storage methods for biometrics templates?

Mr. INOUE. I do agree with the distinguished ranking member of the full committee. He has accurately clarified this matter.

Mr. BYRD. I thank my distinguished colleague for his comments.

EMERGENCY CONSERVATION PROGRAM

Mr. DOMENICI. As the Senate is aware, the Southwestern United States has been devastated by a severe drought which has resulted in numerous deleterious effects to that part of the country.

New Mexico's neighbor to the east, Texas, has lost 5,000 head of cattle, 5,500 miles of fence, and 4.9 million acres have burned due to recent wildfires. Severe drought also exists in New Mexico, which is currently facing one of its worst droughts in the past 125 years. It is anticipated that great hardship will result in New Mexico as a result of this drought. These conditions require emergency measures be undertaken in both States.

Although the Appropriations Committee is silent on the intent of the appropriation to the Emergency Conservation Program, ECP, within the Department of Agriculture, it is my understanding that of the \$17 million made available to the ECP in this legislation, \$12 million is to be provided to the State of Texas and \$5 million is to be provided to the State of New Mexico. The amendment did not originally include ECP funding, so I want to especially thank Senator HUTCHISON for her leadership in requesting that these funds be included for ECP.

Mr. BENNETT. I appreciate the concerns of the distinguished senior Senator from New Mexico regarding the ECP provision contained in title III of this legislation. The Senator's understanding of the intent of the ECP appropriation is correct.

Mrs. HUTCHISON. I, too, concur with this assumption with Mr. BENNETT and Mr. DOMENICI. I appreciate their support and work on this important provision.

Mr. DOMENICI. I thank the distinguished Senator from Utah, Mr. BENNETT, and the distinguished Senator from Texas, Mrs. HUTCHISON for their consideration and explanation of this important matter.

Mr. LIEBERMAN. Mr. President, Senator BROWNBACK and I wanted to tell you about our amendment 3741 and the progress we are making on one key aspect of the avian flu preparedness front. As we speak, the HHS and USAID are collaborating to administer the global avian influenza network for surveillance—GAINS program. GAINS is a smart and targeted investment in the USG's fight against avian flu since wild birds can carry the deadly disease and thus have the potential to spread it. HHS and USAID have invested \$6 million from fiscal year 2006 avian flu supplemental appropriations to establish GAINS. GAINS will require another \$4 million to complete and \$10 million for fiscal year 2007. Senator BROWNBACK and I are pleased to see that the health appropriations committee, led by Senators SPECTER and HARKIN, is helping to allocate \$200 million in part to carry out global and domestic surveillance to undertake activities of this sort. Our amendment doesn't add more money to the avian flu supplemental, but it makes clear HHS's commitment to GAINS, which we applaud.

GAINS will systematically test and monitor wild birds, captive wild birds, and birds in the wildlife/pet trade to

identify which viral strains they carry, to share the virus samples in order to continually update vaccine production options, and to disseminate lab results on a public electronic database utilizing a user-friendly mapping system. Major flyways will be monitored including those running north-south through the Americas.

GAINS is a global surveillance program supported by an international network including conservation organizations, bird groups, the poultry industry, vaccine developers, and academic institutions representing more than 5 million members.

With HHS and USAID's leadership, the Wildlife Conservation Society's, WCS presence in 56 countries around the world, and the presence of its global partners, GAINS has a presence in virtually every key country related to avian influenza. Data shared among these partners in the GAINS network will deliver real-time data on viral strains carried by wild birds.

Additional funds for international Western Hemisphere work are welcome but must be integrated with the existing GAINS system. Parallel efforts waste limited resources. Like intelligence data, disease surveillance data must be shared to be effective in preventing the enemy—avian influenza in this case—from progressing. The USG should not fund the creation of separate international wild bird surveillance programs. Instead, these programs must work together.

GAINS is a sensible approach to gather scientific data for the public domain in as close to real time as possible to combat a looming public health emergency.

AMENDMENT 3775

Mr. HARKIN. Mr. President, more than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of defense contractors, as well as lax oversight by government officials. A major reason why this is continuing largely unchecked is that the Department of Justice has been systematically delaying whistleblower law suits brought under the False Claims Act. Earlier today, I filed an amendment designed to break this logjam by requiring the Department of Justice to allow these cases to go forward after a maximum 1-year review period. I am pleased that Senator JOHNSON is cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports that we are now spending \$10 billion a month in Iraq, alone. One reason for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, stealing, fraud, kick-backs, bribes, insider dealings, inflated billings, and on and on.

The waste of billions of dollars in taxpayer money is bad enough. But this widespread corruption is also impeding our war effort, slowing recon-

struction efforts, and denying our troops in the field the quality support and equipment that they deserve.

The single most important tool that American taxpayers can use to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than \$17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then to keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including Halliburton subsidiary Kellogg Brown and Root. But the Department of Justice has allowed only one of those suits to go forward in the courts; that lawsuit resulted in a major recovery of fraudulently collected payments. For reasons that I cannot fathom, the Department of Justice is systematically delaying these law suits and preventing the recovery of perhaps billions of dollars in taxpayer money.

Cases filed under the False Claims Act are automatically sealed. They cannot go to trial—in fact, they cannot even be publicly disclosed—until the Department of Justice makes a decision about whether to join them. Under the statute, these decisions are supposed to be made within 60 days. But, with just one exception, the Department of Justice has refused to take a position on any of the suits related to Iraq and Afghanistan, some of which were filed more than 3 years ago. Instead, the Department has repeatedly filed for and received indefinite extensions of seal.

As a result, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished. Billions of taxpayer dollars continue to be squandered in Iraq, Afghanistan, and elsewhere. And courageous whistleblowers, who have come forward often at great personal risk, have been left in a legal limbo. As one attorney put it: "The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so."

This situation is unacceptable. My amendment would prevent the Department of Justice from imposing undue secrecy on false claim civil actions related to government spending on Iraq and Afghanistan by simply requiring the Department of Justice to make a decision about joining such cases within 1 year, or 4 months in the case of cases that have already been filed. There will be protections against the release of information that could be detrimental to national security. But, after the 1-year period, the allegations

will become public and the case will proceed.

A 1-year time period will provide the Department of Justice ample opportunity to conduct a full investigation into the underlying allegations of fraud, and to decide whether to join the suit. In addition, my amendment allows the administration to seek additional extensions to keep a case sealed upon a showing of extraordinary circumstances. And nothing prevents the Department of Justice from joining a case at a later date.

As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has issued a number of reports on waste and fraud in Iraq. He reported that the Coalition Provisional Authority failed to account for the expenditure of nearly \$9 billion in taxpayer funds. The money simply disappeared into a black hole. More recently, he reported on a case of fraud uncovered in the Iraqi city of Hillah. Here's how the Special Inspector General described it to the Wall Street Journal: "There was no oversight anywhere near the [perpetrators] at any time, and they did not believe they would be caught. They considered it a free-fraud zone."

The Hillah fraud, alone, cost taxpayers nearly \$100 million. And this is just the tip of the iceberg, as reports of fraud continue to pour in. The inspector general's own Hotline, which has been in operation a little more than 2 years, had received 449 cases of fraud, waste, abuse, mismanagement, and reprisal in Iraq as of January 30. Instead of delaying the prosecution of fraud under the False Claims Act, the Department of Justice should be leading the charge to criminals and war profiteers to justice.

I commend our colleague, the junior Senator from North Dakota, Mr. DORGAN, for chairing a Democratic Policy Committee hearing in February 2005 on the issue of waste, fraud, and abuse in Iraq. He heard testimony from Alan Grayson, an attorney who represented whistleblowers in the one and only case allowed by the Department of Justice to go forward under the False Claims Act. Mr. Grayson described what happened to one of those whistleblowers, a former FBI agent, who refused to go along with the fraud. Said Mr. Grayson: "He was held at gunpoint, stripped of his weapons and security identification, and then he was released defenseless on the streets of Baghdad."

Waste, fraud, and abuse are a fact of life in any war. But in past wars, we have had aggressive oversight by congressional investigative committees. During World War II, the Truman Commission worked relentlessly to root out corruption and war profiteering—a Democratic Senator investigating a Democratic administration. Senator Truman denounced war profiteering as

“treason”—and he was exactly right; it is treason and a betrayal of the troops in the field.

Unfortunately, in the current wars in Iraq and Afghanistan, there has been only negligible congressional oversight and investigation of war profiteering. That leaves the False Claims Act as the last best hope for taxpayers to recover, yet the Department of Justice has systematically delayed lawsuits brought under the act.

My amendment will directly address this latter problem. By all means, the Department of Justice should have ample time to review cases brought under the False Claims Act. But after a maximum of 1 year, those cases should be allowed to go forward in the courts so that justice is served.

This is a strictly nonpartisan amendment. It is all about protecting taxpayer dollars and ensuring that our troops in the field are not put at risk because of corrupt contractors. I urge my colleagues to support this amendment.

MORNING BUSINESS

Mr. ENSIGN. 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 (Mr. BURR). Without objection, it is so ordered.

RECOGNITION OF MERVIN IVERSON ELEMENTARY SPACE DAY DESIGN CHALLENGE TEAM

Mr. REID. Mr. President, I rise today to congratulate Shane Buckley, Brett Hyde, and Luis Rangel of Mervin Iverson Elementary School on their selection as a Stellar Design Challenges team for Space Day 2006. I also want to recognize their teacher, Katheryn Grimes, for her outstanding leadership and guidance of the team.

Space Day is an international celebration of the achievements and opportunities in space exploration aimed at inspiring students to pursue careers in science, technology, engineering, and mathematics. It reaches hundreds of thousands of teachers and millions of students around the world. Past events in support of Space Day have taken place in over 25 countries on 6 continents.

Created by the Challenger Center for Space Science Education, Space Day Design Challenges is a national competition that encourages students to create innovative solutions to the challenges of space exploration. The 21 Stellar Design Challenges teams were selected from more than 259 teams who participated in the competition, making these students' work even more impressive.

The Mervin Iverson Elementary School team designed a tool to help researchers on Mars. The remotely operated tool would collect samples of

rock, minerals, and soil, analyze their chemical compositions, measure temperatures of the Martian surface, and relay this data back to Earth.

In honor of their achievements, the Iverson students will attend the national Space Day 2006 ceremony at NASA's Goddard Space Flight Center and meet former Senator John Glenn. They will also have the opportunity to share their knowledge by displaying their project to more than 2,000 sixth graders from the Washington, DC area.

Their success is reflective of their hard work, dedication, and creativity as well as Mervin Iverson Elementary School's strong commitment to academic excellence. Please join me in honoring Mervin Iverson Elementary School and its Stellar Design Challenges team on this extraordinary accomplishment.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS GEORGE RONALD ROEHL, JR.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to a brave young man, PFC George Ronald Roehl, Jr., of Manchester, NH, for his service and his supreme sacrifice for his country.

George was born on January 24, 1985, in Manchester, NH. He graduated from Franklin High School, Franklin, NH, in 2003 and entered the United States Army on November 2, 2004. He subsequently graduated from basic combat training and advanced individual training at Ft. Knox, KY, and was assigned to Bravo Troop, 7th Squadron, 10th Cavalry, 1st Brigade, 4th Infantry Division at Ft. Hood, TX, where he served as a Scout dismount.

George, the oldest of five children, risked everything to fight for the values we Americans hold dear, in a country halfway around the world. Tragically, on April 11, 2006, this courageous young soldier and two of his comrades died as a result of injuries sustained in Taji, Iraq when an improvised explosive device detonated near their Bradley Fighting Vehicle and they subsequently came under small arms fire during combat operations. His awards and decorations include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and George served in that fine tradition. Daniel Webster said, “God grants liberty only to those who love it, and are always ready to guard and defend it.” George was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude.

My condolences and prayers go out to George's family, and I offer them my deepest sympathies. Family, friends, and fellow soldiers will no longer be able to enjoy the company of PFC George R. Roehl, Jr. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. He realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones. Because of him, the safety and liberty of each and every American is more secure. May God bless George Ronald Roehl, Jr.

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.

In April 2006 the beatings of two gay men in separate attacks took place in northeast Fort Lauderdale, FL. The first attack involved a gay man who was riding his bicycle. When he passed a man on the sidewalk, the man yelled a gay slur and then beat him. Minutes after the first attack a group of men forced a gay man into their car, took him to a local park, then beat and robbed him. According to reports, both attacks appear to have been motivated by the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF A DUAL CELEBRATION FOR THE CITY OF KERMAN

• Mrs. BOXER. Mr. President, I rise to recognize a dual celebration for the city of Kerman, CA. This year marks the 100th anniversary of Kerman as a city in Fresno County and also the 60th anniversary of its incorporation as an official city.

In 1891, the Southern Pacific Railroad Company constructed a new line between Tracy and Fresno. A nondescript watering tank and pump along