

yards per year for most of the 1960s and 70s. There is the massive decline in coral reefs critical to sea life worldwide. And in my state of Maine, softwood trees—the heart of our paper-making industry—and sugar maple trees that spur a large tourist industry are in danger of moving northward over the next 50 years, along with our annual potato crop worth approximately \$110 million.

We obviously do not have time in this Congress to debate the Kerry-Snowe bill, but we plan to use our bill as a marker to start the debate in the 110th Congress. The United States Congress is fully capable of enacting policies that change our climate for the better and guarantee a better quality of life for the generations to follow.

EXTENSION OF THE HIGHER EDUCATION ACT

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 6138, which would provide for a temporary extension of the Higher Education Act of 1965 by extending its provisions through June 30, 2007.

This extension, unfortunately, is the sixth time the Higher Education Act has temporarily been extended. It is now critical to move forward with the Higher Education Act and reauthorize the remaining discretionary programs. As my colleagues know, the mandatory portions of the higher education law were reauthorized in February under the Deficit Reduction Act of 2006.

We have the bill out of the Senate Committee on Health, Education, Labor, and Pensions, but haven't had the floor time to debate it. I am making the Higher Education Act a top priority for 2007 because postsecondary education is the key to the future successes of our students, our communities, and the economy.

DISASTER ASSISTANCE REFORMS

Ms. LANDRIEU. Mr. President, like many in Congress, I am disappointed that we are adjourning Congress for the October recess without enacting comprehensive U.S. Small Business Administration disaster assistance reforms. As our small businesses impacted by Hurricanes Katrina and Rita last year can attest, this is an agency that is in woeful need of substantive reforms to its Disaster Assistance Program. Our businesses had to wait 4 to 6 months for SBA disaster loans to be approved, and some are still waiting to this day, for loan amounts to be disbursed.

For my part, I have worked for the past year to enact substantive SBA disaster reforms to ensure that 'lessons learned' from Katrina and Rita were incorporated and that businesses nationwide could count on a better prepared and more efficient SBA should a disaster strike their community. Under the leadership of the chair and ranking member of the Senate Small Business Committee, Senators OLYMPIA SNOWE and JOHN KERRY, we sent to the Senate

floor bipartisan legislation, S. 3778, which along with reauthorizing SBA programs, also enacts comprehensive SBA disaster reforms. Instead of working with us to take up and pass this important bill, the administration has frustrated this bill's passage at every turn and will not allow it to the Senate floor for consideration—almost 9 weeks after it was introduced. I am concerned about this lack of urgency from the SBA and the administration so just this week, I sent a letter to the new SBA Administrator Steve Preston. In this letter, I requested his cooperation with our committee to pass this important legislation before Congress adjourns at the end of the year.

I will ask that a copy of this September 27, 2006, letter be printed in the RECORD.

As we adjourn tonight, I note that we are set to pass legislation which temporarily extends programs under the Small Business Act until February 2, 2007. Although I do believe it is essential to extend these SBA programs, I worked with my colleague Senator KERRY to revise this date to November 17, 2006. This November date would have ensured that the Congress would have to return in November and at least attempt to pass SBA Disaster reforms. Instead, with these programs authorized through February 2, 2007, the Congress will adjourn in September 2006 and not take up SBA reauthorization until at least February 2007. I am disappointed by this development because, as elected officials, I believe it sends the wrong signal to our small business community.

If the Congress, in partnership with the SBA, does not address these systemic problems now, I am afraid that it will continue to plague the SBA's disaster response for future disasters. I believe there is a general consensus that these reforms need to get done. Therefore, I will continue my work with my colleagues from sides of the aisle to make these essential improvements this year.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, September 27, 2006.

HON. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because, as a member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina and Rita, I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Hurricanes Katrina and Rita was too slow and lacking in urgency-threatening the very survival of our affected businesses. A year has passed since

Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators Snowe and Kerry, the committee voted unanimously to approve S. 3778, the "Small Business Reauthorization and Improvements Act of 2006" and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisan legislation re-authorizes SBA programs, and also of great importance to me and my constituents, makes essential reforms to SBA's Disaster Assistance Program. However, since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Disaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans. In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery-by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns" it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA need the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA to truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricane must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the one-year anniversary of Hurricane Katrina, and now mark the one-year anniversary of Hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
U.S. Senator.

INDIAN GAMING REGULATORY ACT

Mr. BAUCUS. Mr. President, I have filed an amendment to S. 2078, the proposed Indian Gaming Regulatory Act Amendments of 2006. The amendment would require the National Indian Gaming Commission, the NIGC, to utilize the well-accepted negotiated rulemaking process in promulgating any regulations required to implement the provisions contained in S. 2078. Let me take a moment to explain the amendment.

Congress adopted the Negotiated Rulemaking Act in 1990. It appears at 5 USC, sections 561 and following. Congress permanently reauthorized the act in 1996. It provides an alternative to adversarial rulemaking. It saves time and reduces litigation.

The Negotiated Rulemaking Act allows interested stakeholders and the Federal agency to be a part of the process. Negotiated rulemaking is a process by which tribes and Government agencies enter into negotiations in good faith and reach consensus on proposed rules. All the legal requirements of notice, such as publication in the Federal

Register, are employed. A negotiated rulemaking committee is employed. Thus there is transparency and accountability. If the negotiated rulemaking succeeds, it culminates in proposed rules that the Federal agency formally proposes. The Federal agency retains the ultimate authority, however, on any such proposed rule, as the agency retains responsibility in making final decisions and publishing the rule in the Federal Register.

A variety of Federal agencies have successfully used the Negotiated Rulemaking Act in developing regulations. Among them are the Environmental Protection Agency, the Federal Aviation Administration, the National Park Service, the Department of Transportation, the Occupational Safety and Health Administration, and the United States Forest Service.

As well, Federal agencies that have worked directly with Indian country have successfully used the negotiated rulemaking process. Among those are the Indian Health Service, the Bureau of Indian Affairs, and the Department of Housing and Urban Development when HUD developed the regulations under the Native American Housing and Self Determination Act.

Some argue that it is not appropriate to require the NIGC to bring in tribes as a part of the negotiated rulemaking process because they are the entity being regulated. But we are dealing with sovereign Indian Nations that already have significant regulatory regimes in effect. The original Indian Gaming Regulatory Act already was a major intrusion into the status of tribes as units of government fully capable of managing their own affairs. To suggest that it is somehow problematic for tribal governments to have an institutionalized role in developing regulations is totally contrary to the very concept of our government-to-government relationship with tribes. That is a philosophy subscribed to by the chairman of the Indian Affairs Committee on many occasions.

I urge my colleagues to support my amendment.

TRIBUTE TO THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, I have been asked by a Capitol employee, Mr. Albert Cary Caswell, to have printed in the CONGRESSIONAL RECORD a poem he wrote in memory of the late, great Minnesota Senator, Paul Wellstone.

Senator Wellstone was my friend of 22 years and Minnesota's senior Senator and my mentor during my first 2 years here. I have missed his conscience, his courage, and his eloquence in the Senate every day since his tragic death in an airplane crash nearly 4 years ago.

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

WALKING WITH GIANTS

(By Albert Cary Caswell)

We who here, who have walked upon life's road . . .
A question asked, "What of the full measure of one's footprints cast . . . as to this our world as bestowed?"
Are ours but just mere footprints, or with giant gaits have we here now strode? As all within these our short lifetimes shows!
Do we walk with giants, or but there with just mere men?
Do we dare to grow, do we dare to be great . . . as time and time again? As these our lifetimes begin!
Will we become giants, or will we forever more remain but just mere men? As in this, our shortest of times our lives as then . . .
Shine!
For in our lives and in our times, will we fade or will we shine?
Are we that bright beacon of light and hope which so brilliantly shines? That bright beam of light which so flows through time!
One Paul Wellstone, whose title as a giant as now so belongs!
For in his life and in his deeds, for in this his courageous quest to succeed. . . his bright legend as a giant so lives on . . .
A small man of girth, but within his great heart and his soul . . . and all within his mind, so lies his true worth as he has gone!
For from this his most humble of beginnings, as had he so come!
As to a professor, who with his great burning passion so taught our future . . . had so led our young!
Until, on a little green school bus. . . his dreams were so to be cast! As well into a future where his greatness was to be so sung!
A man, who among his classrooms would so spread his dreams . . .
Talking of all those giants, who so upon a Senate floor as throughout the decades had convened . . .
As one day too, Paul . . . would also walk upon those most hallowed of all halls . . . where too, his greatness would be seen!
Walking with giants. . . such as Dole, Glenn, Thurmond, Byrd, Simpson, Inouye and Kennedy . . .
A proud Liberal . . . a man of great passion . . . for in him we were all but "Left With The Best" oh so very splendidly!
A Great American Patriot . . . a most courageous candidate . . . a Great Crusader and A True Fine Champion of Democracy!
A man with a huge heart,
A man with such a warm smile, which so placed him high above all the others . . . while, setting him apart!
A fighter and a champion . . . a true winner among just mere men . . . the little guy's best friend . . . a true fine work of art!
In this the arena of life . . . he was but a sheer delight!
A Great Father . . . A Great Husband . . . A Wonderful Human Being . . . who to all so brought his light!
For the steps that he made, clearly so portrays the stuff of which giants are made . . . as we so ponder here this night!
An American Tale . . . as was his, The True Great American Dream . . .