

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 so 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 . . .