September 8, 2005

CONGRESSIONAL RECORD — HOUSE

VENEZUELA GASOLINE SHIPMENTS

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

Mr. MACK. Mr. Speaker, I have been and continue to be gravely concerned with Venezuela President Hugo Chavez’s march against freedom. But I appreciate that Hugo Chavez acted appropriately in a time of crisis when he recently offered to provide the U.S. Government with a supply of needed oil and gasoline in the wake of the devastation caused by Hurricane Katrina.

This morning’s Washington Post includes a story which outlines that Chavez plans to ship 1 million barrels of gasoline in addition to its scheduled shipment of 1.2 million barrels to the United States in the coming month. While this may help alleviate consumers’ concerns at the pump, we must all recognize that when we purchase Hugo Chavez’s gasoline, we will be lining the pockets of a staunch enemy of freedom.

The United States welcomes efforts to help stem our temporary gasoline and oil shortage, but Hugo Chavez must understand that we will not yield an inch in our demand for freedom in Venezuela and around the world.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 426

Resolved, That it shall be in order at any time on the legislative day of Thursday, September 8, 2005, for the Speaker to entertain motions that the House suspend the rules.

Mr. Speaker, I have been asked to make a statement in consideration of House Resolution 426, which would provide for immediate consideration of a resolution to suspend the rules. I would like to say a special word of thanks to the Speaker, to the majority leader, to the chairman of the Appropriations Committee and to the minority leader for their swift action on this issue as it was begun to be demonstrated last week.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding the customary 30 minutes, and I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, the vitaly important bill before us today is a process of re-building one of our Nation’s greatest regions and the lives of the people within it. It comes to us in the wake of what was last week nothing short of a catastrophic failure of responsible and competent governance. And not surprisingly, the way in which we are going about passing this bill is itself a tremendous failure, the most recent in a seemingly endless line.

It is a failure, Mr. Speaker, because almost no time has been provided for discussion of this bill and because no amendments have been permitted to be introduced. This body is about to spend more than $50 billion and all the minority wants is to spend it wisely.

We want is to give the Members a chance to know where the appropriations are going and to actually give Representatives from the affected States a chance to make suggestions to the legislation before it becomes law.

We want to ensure that that this body will continue on with their resiliency before the tremendous errors which have been made by our Federal Government in its response to Hurricane Katrina.
Last night in the Rules Committee we implored the majority to allow even a mere 2 hours of debate and to allow Members to offer amendments which would make this a better, more effective bill. Their response? Sorry, America, we don’t have time for that. We don’t have time. After 5 weeks of inaction in the Chamber, 40 minutes is all the time the United States Congress has to give? It took our government 5 days to even respond to the crisis, and we cannot give more than 40 minutes here today to draft a bill that will provide relief and help rebuild an entire region of our country? We tried to break through, but they simply would not hear us.

They would not hear us because they do not want to be challenged or blamed or to deal with alternative solutions. It simply wants us to accept its leadership, once again quietly and without comment. But what the American people want is reform. They want change. They work hard here in the House and try to fix this mess. And so we will not keep quiet because our Nation is demanding that we speak out. This government failed the people of Louisiana and Mississippi and Alabama. Its government has not yet even been willing to tell other nations and peoples how they should live their lives and organize their states, has revealed itself to be unable to save the lives of its own citizens and to protect its own States when they are in need. Indeed, their neglect has cost lives. It was unable to meet its most basic responsibility and the ultimate reason for its very existence, the defense of life within its own borders.

It is obvious that the current administration and departments in its care did not have a plan sufficient to handle the kind of crisis they were confronted with. Disturbingly, however, they were armed with a plan to shift blame away from them. And so a few days ago, Homeland Security Director Michael Chertoff tried to blame local government officials for what had happened. Such an argument is embarrassing and shameful because this Federal Government has not been adequately supporting those State and local officials in the years that led up to last week, and it did not give them what they needed after the hurricane struck. Instead, it neglected them and then kicked them when they were down.

This kind of situation is exactly why FEMA exists. That is why it is called Federal emergency management. That is exactly why it was part of the Homeland Security Department. The $90 billion that has been spent on the Homeland Security agency has left us more vulnerable than ever. If there is an American that feels safer after the expenditure of that $90 billion, I would like to meet them. Do they feel safer? Absolutely not.

There was a tremendous outpouring of help coming from locations around America and the world during the first days of this crisis, but FEMA and Homeland Security were unable to use it constructively. One thousand firefighters sent from Utah and nearby areas were asked to do community relations work, handing out leaflets, instead of doing what they were hired to do; rescuing children. Aid and rescue technology offered by more than 90 countries has often been unable to penetrate FEMA’s bureaucracy and has yet to be used. Wal-Mart sent three trailer trucks of water early last week but were turned back by FEMA officials. They said they did not need it. To people who had no water. FEMA would not let a nearby Coast Guard ship distribute 1,000 gallons of fuel to people on land. And another particular ship was able to take on patients and treat them and give them medical care, they were awaiting the orders that never came. FEMA cut the emergency communication lines that authorities in Jefferson Parish were using, for who knows what reason. The president of Jefferson Parish had the sheriff’s department replace those lines and put them under armed guards to protect them from FEMA.

Mr. Speaker, this is just the tip of the iceberg. The tales of failure go on and on and on. Failure before Katrina, failure during Katrina and failure after Katrina.

Ours is a government which has spent much of the last 4 years focused on national security. Ours is government which has spent tens of billions of dollars theoretically preparing our country for impending disasters. Ours was able to justify that hold on power by warning us that only this administration’s leaders could keep America safe. But the administration was not up to the task. Nor was FEMA. Nor was the Department of Homeland Security government failed. Until every aspect of our emergency response system is analyzed and reevaluated, this government will have a hard time finding its credibility in the debris.

I suggest that we should start trying to regain that credibility right here, today. This administration and this Congress and the agencies of this Federal bureaucracy concerned with emergencies like Katrina have a great debt to pay back to the American people. This Congress owes them more than a mere 40 minutes of consideration of the Nation’s response to what is quickly becoming the worst national disaster in American history. We owe them more than to silence the voice of the American people on this floor. We owe America more than to intentionally prevent this body from crafting the very best hurricane recovery legislation that this body has the authority to pass. We owe them any amendments to even be considered and by shutting out almost half of this House from any consideration of this bill.
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Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Rules Committee.

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

Mr. Speaker, I am proud of the fact that the rule that we have brought forth this morning, and I reiterate that I am so, authorized consideration by this House today of four legislative measures, four, to continue to increase assistance to those who are suffering pursuant to the destruction caused by that extraordinary tragedy in the Gulf Coast.

Four pieces of legislation are being brought forth today, are being authorized to be brought forth today with the rule that we are considering this morning. Yes, I am very proud of that, Mr. Speaker.

Now, I have questions as well. I have questions as well with regard to a number of Federal agencies, State agencies, local agencies as well in the Gulf Coast.

My wife was reminding me last night that on the Friday before this horrible storm hit the Gulf Coast, she saw the director of the National Hurricane Center on national television with the Governor of Florida by his side. We had the Governor of Florida and our local officials speaking to us continuously before and at the time and after the hurricane passed through us in south Florida before it went into the Gulf and then gathered all that strength that bore down with such horrible power on the Gulf Coast. And she was reminding me that the director of the National Hurricane Center, this is Friday before the hurricane hit late Sunday night, early Monday morning, the Gulf Coast, said it is headed to the Gulf. It is going to pick up strength and it could hit, it is going to land anywhere from the Florida Panhandle to New Orleans.

Now, as I was discussing with my wife last night, when we had the four hurricanes in Florida last year, and this one in south Florida this year, immediately our local officials, the mayors of the county, the county commissioners and the Governor, the State officials, they were speaking to the populace and instructing people to leave, evacuating people. Five times we have done so in 1 year.

Yes, yes, I have questions as to why that was not done in Louisiana, why it was not ordered by the mayors and by the county commissioners and by the Governors. I have questions. Of course I have questions, Mr. Speaker. We all have questions, and those questions need to be addressed. And they will be addressed as we proceed with our oversight function, which is legally required.

Today, today what we need to do is to get help to the people who need the help, and that is what we are doing, Mr. Speaker. That is why we have brought forth the legislation to authorize consideration of four measures to take assistance to those in need. That is what we are debating this morning.

Mr. Speaker, I reserve the balance of my time.
Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

Mr. OBEY. Mr. Speaker, last week I returned to Washington along with about 20 other Members of the House in order to assure passage of the initial down payment of $50 billion for the victims of Hurricane Katrina.

Today we will be voting to provide $52 billion more in aid. I am all for it. We will all vote for it. Any suggestion in any way that the delivery of that money would be delayed is pure nonsense. That money will be voted today.

But the problem we have is that the bill is being brought to the floor in a manner which prevents Congress from exercising any independent judgment whatsoever about how best to use taxpayers' money. And the problem is that the agency that we are appropriating most of the money to has demonstrated with great clarity that it is spectacularly dysfunctional; and there are a number of reasons for that.

The problem with FEMA is that what was an efficient, professional and qualified agency under James Witt during the Clinton administration has now once again become a dumping ground for political cronies.

Three years ago this Congress in the wake of 9/11 merged FEMA into a huge, new, gargantuan agency, the Department of Homeland Security. Since that time the White House, the Congress, and the Department of Homeland Security all together have squeezed the resources available for FEMA. They have hollowed out that agency and they have cut more than 500 people out of that agency.

To top it off, the President appointed to run that agency a gentleman who before he joined FEMA had no previous disaster experience whatsoever, and whose only apparent connection to the disaster world was that he was the college roommate of the former director of FEMA. We have seen the disastrous results of that appointment.

I want to provide the $50 billion that the legislation is going to provide today, and I will vote for it and so will ever other sane Member of this House, I assume. But I deeply regret the fact that this money will go to an agency which this President, the President, it would have required the FEMA director to have extensive experience in emergency or disaster-related management, it would have made that directorship confirmable for a specific 5-year term to reduce the likelihood of the position being used as political and to disassociate it by any party, and it would have established a deputy director with primary responsibility to assure that a direct connection is retained with the Department of Homeland Security so that in the press of domestic disasters, we do not neglect our responsibilities to also protect the country against terrorism.

Our friends on the majority side of the aisle declined to allow us to have that vote.

I do not object to the majority saying "We do not believe that is the right solution." or "We do not believe that this is the right time to discuss this." That is a legitimate position.

But what we should at least have the ability to debate that issue, to discuss that issue, because every day that we delay professionalizing FEMA and depoliticizing it is another day that taxpayers' money is being spent in an agency which has been demonstrated under these circumstances to be incompetent.

The President has a responsibility, each and every Member of this Congress has a personal responsibility to see to it that we are going to provide $50 billion today and another $50 billion down the road, as we most surely will, we have a responsibility to know that that money is going to be spent in the most efficient, the most effective way to save lives, to rebuild communities. We cannot have that confidence under the existing management of this agency.

And so I think we have an obligation to move as quickly as possible to fix the problem.

The amendment I would have offered would have given us 120 days to make those changes. I regret deeply the fact that we will not be able to at least discuss that matter on the floor today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again with regard to what we have brought forth this morning, a rule for consideration of legislation to provide assistance for those who are facing the aid that is going to those who are in desperate need in the Gulf Coast area now due to the great catastrophe that has just been suffered, that is what we are doing. We are authorizing consideration of four pieces of legislation to increase assistance to those in need.

The amendment I would have offered would have given us 120 days to make those changes. I regret deeply the fact that we will not be able to at least discuss that matter on the floor today.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I support the rule and the underlying bills. I would encourage FEMA to work with the Department of Education to utilize the Education for Homeless Children and Youth Program to meet the educational needs of all students displaced by this storm.

As we consider the rule and all of those bills, I think we have to remember the children. As part of the No Child Left Behind Act, the Education for Homeless Children and Youth Program requires that school districts immediately enroll homeless children. It provides children with much-needed stability and allows for the delivery of other critical services, including such things as health care and counseling.

The bill also addresses school transportation issues, and eligible children participate in Federal, State and local food programs, and allows for frequent moving as evacuated families find more permanent housing.

When we included this provision in No Child Left Behind we, frankly, never contemplated that it could be so useful and effective at this time of national crisis. We have happily discovered over recent days that this measure has provided a ready-made system of communication and contacts and information networks that could serve us well in this time of need.

The program also contains a funding structure that efficiently distributes Federal dollars to the local level. Utilizing the Education for Homeless Children and Youth Program would save time, money and allow more Federal dollars to flow more quickly to the areas in need. This program provides a tried and tested framework for States and local districts to immediately address the immediate educational and social service needs of homeless children displaced by Hurricane Katrina.
Encouraging FEMA and the Department of Education to utilize this program to coordinate relief efforts is a commonsense step that can quickly and dramatically improve assistance to displaced children.

I urge support for the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security and a victim himself.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this rule. Twenty minutes per side is not enough to argue a catastrophe of this size. The rule does not allow any amendments from our side. A number of Democratic districts have been affected, those of the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Alabama (Mr. DAVIS), and the gentleman from Louisiana (Mr. JEFFERSON), as well as myself. We do not have an opportunity for input into what relief opportunities we can give in our districts.

This is not right. If this is a democracy, we ought to have an opportunity to participate in providing for the relief of our particular districts.

The Republican side has taken a position that Democratic input is not needed. This is not the way to go. This is a democracy. We need a rule that allows for the maximum input from both sides.

I am sorry to say that even in this time of devastation, our Republican colleagues have decided that America should not pull together and work for the common good. Unfortunately, the people of Mississippi, Alabama and Louisiana are the ones who will suffer because of this lack of total input from Members of Congress.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important that we realize that in the same fashion in which last week’s supplemental legislation was considered under a unanimous consent request, it is the hope and wish of the majority leadership that the next supplemental bill also be considered in that way under unanimous consent.

With regard to additional time for debate or other matters, that could be obviously worked into a unanimous consent agreement like the one that brought forth and permitted debate and permitted passage of the first supplemental.

So what we are voting on today, the rule does not preclude that. On the contrary, as I say, it is the wish of the majority leadership to continue to engage in dialogue and hopefully have a unanimous consent agreement. I wanted to make that clear because sometimes I think the facts are important to be made clear.
Gulf; the Student Grant Hurricane and Disaster Relief Act, assistance for the people in the Gulf with regard to student grants and disaster relief; the Temporary Assistance for Needy Families Emergency Response and Recovery Act, assistance those in need under this act, under that law, out of that program, through that program.

We are bringing those measures, those specific measures to the floor today, in addition to a significant and substantial supplemental appropriations bill to get aid immediately to those in need.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. BISHOP), my distinguished friend and colleague from the Committee on Rules.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend, the gentleman from Florida, for yielding such time right now.

This is a discussion of a time of great emotional sadness for all of us, as we are attempting to help fellow Americans who are in a special need, a special time of need. It is a trying time; and, hopefully, for one where we can keep our minds on the true issue, which is how to get emergency relief as quickly as possible to people who desperately need it.

The rule that is being proposed here, and sometimes in our rhetoric on these rules we kind of go far afield from what the issue is, the issue is still the rule, does not prevent any kind of unanimous consent for more time for more issues to be raised at such time in the future, but does provide a backup to guarantee that the issue at the end of this day will be decided and that relief money can be moved on without any kind of impediments or Congress trying to add extraneous issues to the debate, but it does provide a backup to guarantee that the issue at the end of this day will be decided and that relief money can be moved on without any kind of impediments or Congress trying to add extraneous issues to the debate.

There is precedent for what we are doing. This is not unusual. It has been done before. It will be done again in the future. It does, though, try to state that there is a time and a place for everything that we do. There is a time to try and pass emergency relief and get that relief moving as quickly as possible, to really hit what is human suffering.

This particular request deals with temporary assistance. It deals with providing temporary housing, money for home repairs, medical, dental costs, repair or cleanup, ensuring that the firemen get their pay. It is emergency equipment.

Much of the discussion we have heard this morning deals with long-range policy issues. I am not saying they are bad, but it does provide a backup to guarantee that the issue at the end of this day will be decided and that relief money can be moved on without any kind of impediments or Congress trying to add extraneous issues to the debate.

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from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule for a very obvious reason. It is absolutely essential that we do everything that we can at this moment to ensure that our fellow Americans who are in desperate need have that need met.

What else do we want to do? We want to ensure that education assistance for non-Pell grant recipients gets to them. What else do we want to do? One of the very important programs, the TANF program, Temporary Assistance to Needy Families, we want to make sure we can expedite that aid to those people who have been victimized by this storm just as quickly as we possibly can.

Mr. Speaker, a vote against this rule is in fact a vote which would deny us the opportunity to move as quickly as possible to provide that kind of aid relief.

Now, I know there is a lot of discussion over what it is that we will see for the structure for debate during consideration of this large, multibillion dollar supplemental appropriations bill. Nothing in this rule whatsoever, nothing in this rule whatsoever, Mr. Speaker, will in any way impinge on the ability of the chairman of the Committee on Appropriations, the gentleman from California (Mr. Lewis), and the ranking minority member, the gentleman from Wisconsin (Mr.Obey), from striking a unanimous consent agreement that would allow for an extension of debate as they consider that appropriations bill.

We all know how imperative it is that we act as quickly as we possibly can to not only address the three items that I mentioned, but to get the aid to those who need it on the dollar level. Why? Because we know it is quite possible that just this evening, as early as this evening, we could see the $10.5 billion or say, the $200 billion, will be well and effectively spent and get the relief and the rescue efforts and the rebuilding efforts to the people and the communities that are devastated.

We are not putting in place oversight and protection against crisis profiteering. We are not trying to improve the agency. It is the middle of a hurricane season. What if there is another tomorrow or next week? Will the terrorists wait until we are done with our natural disasters? No. We need to begin the review and oversight now. They say, Oh, you cannot do that in the middle of a crisis.

What is the greatest crisis this country has experienced in the last 100 years? I think it might have been World War II. In the middle of World War II, Harry Truman chaired a committee investigating war profiteering under FDR, President of the last century, and reforms were put in place. Congress did its job. We need to improve FEMA. We need a better response. The first responders need better tools. The people that have been affected need effective relief, they need compassion, and they need assistance. Shoveling money at them and more words will not do it. We need to make some changes, and you are not going to allow any changes or any amendments here on this floor today, but you will allow us a few more words. We might get up to $1 billion a minute instead of $1.2 billion a minute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

What are we doing today, Mr. Speaker, is not shoveling words down anybody. We are authorizing consideration for the National Flood Insurance program, the Student Grant Hurricane and Disaster Relief Act, the Temporary Assistance for Needy Families Emergency Response and Recovery Act, and an emergency supplemental bill to continue the assistance to those in dreadful need as we speak.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I will be asking Members to vote "no" on the previous question. If it is defeated, I will amend the rule to allow the House to consider an amendment that might have saved hundreds of thousands of lives and alleviated the immense and immeasurable suffering that was inflicted on so many of our fellow Americans.

Members should be aware that a "no" vote will not in any way prevent the House from considering and approving the desperately needed supplemental for the victims of Hurricane Katrina. We all agree hurricane relief must happen immediately and it will happen today, but a "no" vote will let us debate the serious and urgent matter regarding FEMA's future ability to respond immediately and responsibly to any disaster that occurs on our soil so that we may never see such a thing again as we have witnessed with FEMA's work.

I urge Members to vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of my amendments immediately prior to the vote on the previous question.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.
Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank all of our colleagues who have debated this important issue this morning.

I would like again to also thank the two Senators from Louisiana, Senators LANDRIEU and VITTER for their joint bipartisan statement where they say that Congress will have ample time to thoroughly investigate this event and that any discussion relating to us do, to play a major role in those important investigations, but they continue saying, please do not make the citizens of Louisiana a victim once again by allowing our immediate needs to be delayed by partisanship.

Now, we have heard a number of ideas today brought forth, really for sweeping policy changes. They definitely should be considered. And perhaps many of those ideas will become law. But today what we need to do is what we have done. We are getting the assistance and we are increasing it to those who are in desperate need.

So, Mr. Speaker, I would urge my colleagues to support this rule that brings forth four pieces of assistance, legislation that strengthens the Federal Emergency Management Agency in desperate need, and would also urge, obviously, favorable consideration of the underlying pieces of legislation that we are authorizing being considered today.

Mr. LEVIN. Mr. Speaker, I rise in support of the emergency funding bill that the House will consider later today to continue relief and recovery operations in the aftermath of Hurricane Katia. We need to approve this measure today with all deliberate speed. I do object to the procedure in which the House will take up this emergency measure, which provides just 40 minutes to debate a $51 billion appropriation, with no amendments allowed.

I urge the House to reject this procedure and allow Representative OBEY to offer an amendment that strengthens the Federal Emergency Management Agency and re-establish FEMA as a separate, independent agency whose Director reports directly to the President. The Obev amendment would also require that the Director of FEMA have extensive experience in emergency and disaster-related management. The amendment is very similar to the legislation introduced earlier this week by my colleague, Representative DINGELL, which was cosponsored by myself and 64 other members of the House. This is a proposal that should enjoy bipartisan support, since I note that Representative FOLEY and other Republican members have introduced similar legislation.

Let me speak candidly. The response of the federal government to Hurricane Katia was woefully inadequate. Four years after 9-11, the federal government was not ready to respond to a national catastrophe that has left a major American city uninhabitable. In the weeks and months ahead, we need an investigation of why the federal government’s response fell so far short of the mark, and we need accountability. One thing remains clearly clear: the federal government with lead responsibility for responding to national disasters—FEMA—has lost its way since it was transferred to the Department of Homeland Security. This is simply not the same agency that responded so effectively to the Oklahoma City bombing in 1995. Since being transferred to the Department of Homeland Security in 2001, FEMA’s ability to respond to natural disasters has been eroded.

I believe we need to restore FEMA’s status as an independent agency. In addition, the Director of FEMA should be an experienced professional in areas of emergency management, and not the former head of the International Arabian Horse Association with no previous background in disaster relief.

I urge my colleagues to vote to allow Representative OBEY the opportunity to offer his amendment. The next natural disaster could happen at any time and we need to restore FEMA’s ability to respond to it. I also ask all my colleagues to join me in voting for the underlying bill.

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

At the end of the resolution add the following new sections:

SEC. 2. The amendment specified in section 3 shall apply at any time during the consideration of a motion to suspend the rules and pass H.R. 3873. Such amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject at any time to a division of the question. All points of order against such amendment are waived.

SEC. 3. The amendment by Representative OBEY referred to in Section 2 is as follows:

AMENDMENT TO H.R. 3873, AS REPORTED OFFERED BY MR. OBEY OF WISCONSIN

At the end of the bill, insert before the section containing the short title the following:

SEC. 1. FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) INDEPENDENT ESTABLISHMENT.—The Federal Emergency Management Agency shall be an independent establishment in the executive branch.

(b) DIRECTOR.—

(1) IN GENERAL.—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the President. The Director of the Federal Emergency Management Agency shall be compensated at the rate provided for at level I of the Executive Schedule under section 3121 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall be appointed from among persons who have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other emergency events.

(3) TERM OF OFFICE.—The term of office of an individual appointed as the Director shall be 5 years.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency one Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall be compensated at the rate provided for at level II of the Executive Schedule under section 3112 of title 5, United States Code.

(2) QUALIFICATIONS.—The Deputy Director shall be appointed from among persons who have extensive background in disaster response and disaster management.

(3) RESPONSIBILITIES.—Subject to the direction and control of the Director of the Federal Emergency Management Agency, the Deputy Director shall have primary responsibility within the Agency for natural disasters and non-natural disasters, including large-scale terrorist attacks.

(d) TRANSFER OF FUNCTIONS.—There shall be transferred to the Director of the Federal Emergency Management Agency—

(1) the functions (including the functions under paragraphs (a) and (b) of section 483(c) of the Homeland Security Act of 2002 (6 U.S.C. 288(c)), personnel, assets, and liabilities of the Department of Homeland Security, including the functions transferred under section 201 among

(2) the functions of the Department of Homeland Security under sections 502 (other than paragraphs (1) and (2) of section 503(b) of the Homeland Security Act of 2002 (6 U.S.C. 312, 313), and the personnel, assets, and liabilities of the Department relating to such functions.

(e) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this section. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the general laws and regulations of the executive branch. The Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 7502 and 7503 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and may authorize such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 3112 of title 5, United States Code, as may be necessary to carry out the respective functions transferred under this section. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the general laws and regulations of the executive branch. The Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 7502 and 7503 of title 5, United States Code.

(f) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Federal Emergency Management Agency may delegate any functions transferred to the Director of the Federal Emergency Management Agency by this section and any function transferred or granted to such Director after the effective date of this section to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section and any other provision of this section shall relieve such Director of responsibility for the administration of such functions.

(g) REORGANIZATION.—The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 201 among...
the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

(i) RULES.—The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

(2) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, any functions transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(k) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such incidental dispositions as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency.

(3) ADDITIONAL CONFORMING AMENDMENTS.—(A) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(B) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the primary mission of the Department of Homeland Security set forth in sections 201(b) and 202 of title 6, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions transferred by this section but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this section may be continued by the Federal Emergency Management Agency with the same effect as if this section had not been enacted.

(6) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or of pertaining to a department, agency, or office from which a function is transferred by this section, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(7) EFFECT ON PERSONNEL.—(1) IN GENERAL.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position in the Federal Emergency Management Agency or a department, agency, or office to which such function is transferred, shall continue in such position as if this section had not been enacted.

(2) TO SUCH DEPARTMENT, AGENCY, OR OFFICE.—Any person who, on the day preceding the effective date of this section, held a position in the Federal Emergency Management Agency or a department, agency, or office to which such function is transferred, shall continue in such position as if this section had not been enacted.

(8) ASSIGNMENT OF PROVISIONS.—(1) DOMESTIC SECURITY ACT OF 2002.—(A) SECTION 504.—Section 504 of the Homeland Security Act of 2002 (6 U.S.C. 314) is amended by striking "major disaster," and inserting "major disaster or emergency." (B) REPEALS.—The following provisions of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) are repealed: (i) Section 505(1).
CONGRESSIONAL RECORD — HOUSE
September 8, 2005

H7758

Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franck (AZ)
Frelinghuysen
Gallo
Garey
Gerlach
Gibbons
Gilchrest
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Goode
Goodlatte
Gronier
Graves
Green (WI)
Greene (FL)
Hall
Hart
Hastings (WA)
Hayes
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Hulshof
Hunter
Inglish (SC)
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Iestok
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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Knauss
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Kuhl (NY)
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Kaufman
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September 8, 2005

CONGRESSIONAL RECORD — HOUSE

Reyes  Serrano  Tierney
Ross  Sherman  Towns
Rothman  Sherlock  Udall (CO)
Roybal-Allard  Slaughter  Ushie (NM)
Rush  Smith (WA)  Van Holleen
Ryan (OH)  Snyder  Velazquez
Sabo  Neils  Vis欩ey
Salazar  Spratt  Wasserman
Sanchez, Linda  Stark  Schuartz
T  Strickland  Waters
Sanders  Stupak  Watson
Schakowsky  Tarrico  Watt
Schiff  Tanner  Waxman
Schwartz (PA)  Tausher  Waxler
Scott (GA)  Thompson (CA)  Woolsey
Scott (VA)  Thompson (MS)  Wu

NOT VOTING—19

Mr. RAHALL and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no.

Mr. LANGEVIN changed his vote from "no" to "aye.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

NATIONAL FLOOD INSURANCE PROGRAM ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3669) to temporarily increase the borrowing authority for flood insurance by $2 billion and will go a long way in helping the Department’s flood insurance response. This bill will ensure the program has sufficient funding on a cash basis in the short term. It will also allow FEMA to continue payment of the initial claims resulting from Hurricane Katrina while the administration further evaluates the extent of the damage and the most appropriate means to cover all potential claims.

In the aftermath of Hurricane Katrina, the Federal and local governments now face the Herculean task of compensating the relocation of thousands upon thousands of individuals and families whose lives have been torn apart by devastation and rising flood-waters.

There are more than 78,000 people now in shelters who will be requiring short-term and long-term-range housing solutions. In fact, today we had a roundtable with the gentleman from North Carolina (Mr. MILLER) and the gentleman from Massachusetts (Mr. FRAHANK) and the gentlewoman from California (Ms. WATERS), and this very issue was talked about and the magnitude of it and the importance of it and the urgency of it.

In addition, it has been estimated that up to 360,000 residential mortgages could be negatively affected by the damage caused by the hurricane across the gulf region. Conservatives estimates on residential and commercial property damage are in the range of $20 billion.

Floods have been and continue to be one of the most destructive and most costly natural hazards to our Nation. During this past year alone, there have been three major floods in my area in Ohio. All three of these incidents qualified for Federal relief, granted by the President. Recent flooding in January this year resulted in historic levels in several local dams, and in Tuscarawas County, a community I represent, 7,000 people were displaced and forced to evacuate. So I have witnessed firsthand what floods can do. But I will tell my colleagues that, of course, the magnitude of what is going on down south is beyond belief.

Last Congress, the Committee on Financial Services considered a bill and went on legislation to reauthorize and reform the National Flood Insurance Program. On June 30, 2004, President Bush signed into law the Flood Insurance Reform Act. This legislation reauthorizes the National Flood Insurance Program, NFIP, through September 2008.

The major goal of the Flood Insurance Reform Act last Congress was to reauthorize and reform the program with an eye toward sustaining the financial viability of the NFIP. While some provisions were included to address administrative and procedural concerns regarding it, we did not focus on issues that were procedural in nature such as the filling of claims, the timeliness of responses to the claims filing, policyholder education, and insurance agent sales and training. Consequently, the Subcommittee on Housing and Community Opportunity has continued to review the National Flood Insurance Program in an effort to determine what changes need to be made to address the program’s shortcomings.

In addition to a request for a GAO study, our subcommittee has conducted three hearings this year on this important program, including a field hearing 2 weeks ago in rural Ohio. As the damage assessments and insurance claims begin to come in from the gulf coast region, we will be continuing our oversight of the NFIP and to look for possible legislative solutions that make this program as efficient and responsive as it can be.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred to this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market. Clearly, we need to continue our review of this program and to take steps to make sure it is meeting the needs of those for whom it was intended.

In times like these, it is more important than ever for Americans to stand united in helping our fellow citizens. The House of Representatives will continue to stand with the people of the gulf coast and our colleagues who represent those areas throughout this effort. And we encourage Americans who want to help to contact charitable organizations in their areas.

America has overcome challenges in the past. As Members of the House and, specifically, the Committee on Financial Services, we are prepared to roll up our sleeves and do the hard work to overcome this tragedy. Increasing FEMA’s borrowing authority for the National Flood Insurance Program is just one step in the process of helping those who have been affected by Katrina’s waters.

I would like to thank the gentleman from Ohio (Chairman OXLEY) for his ex-peditious work in sending this bill to the floor. I would also like to thank the gentleman from Louisiana (Chairman BAKER), the gentlewoman from Colorado (Ms. WATER), the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the gentleman from Alabama (Mr. DAVIS), and especially...