commencement of any special session held pursuant to such order.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking "district in which session is held pursuant to such order, or other place where court may function, and elsewhere as authorized by law—" and inserting "district in which session is held pursuant to such order, or other place where court may function, and elsewhere as authorized by law—"

Mr. FRIST. Mr. President, for the information of colleagues, the bills, as stated, S. 1634 and H.R. 3650, are to address the issue of responding to the emergency of the national disaster which has occurred and in some ways is ongoing in the Gulf States. This allows our Federal court system to continue its operation. This legislation requires it to do so. This likely will be among a series of bills we will address over the coming days and weeks that respond to the disaster itself and to service the victims of that disaster, the people who are still in that coastal area of Louisiana and Alabama, to the victims who have been displaced, and to help volunteers and those people who are pitching in around the country, both government and private sector, as we come together to respond to this crisis. Each day will be the largest natural disaster we have seen in the last 100 years.

The pending legislation is the Commerce, Science, and Justice appropriations bill. In this bill, as has been discussed, are a number of provisions related to Katrina and our response to Katrina, things such as the small business disaster loans.

We will be, in fact, on that bill shortly, and the chairman will be here. I encourage Members to come over and talk to the chairman and ranking member. We want to move expeditiously with this appropriations bill, in part, because it does have Katrina-related issues in it. I would love to be able to finish this bill this week, if at all possible.

Second, just for the information of our colleagues, the House will pass, at some point today or this afternoon, our second supplemental request to respond to this disaster. We have passed a $10.5 billion bill in an urgent emergency session last Thursday night. The Senate addressed it. This will be a second supplemental. As most know, it is more than $50 billion, a very large sum, but that is the appropriate sum, as a second supplemental determined by our appropriate personnel and staff.

The House will pass that later today. Once they pass that, it will come to the Senate either this afternoon or this evening. I want to make sure my members know that will be on call today. It may well be tonight, but we need to pass the supplemental as soon as we possibly can.

Ms. MIKULSKI. Mr. President, this side of the chamber, if I may, also occurred when the majority leader offered the unanimous consent allowing the Federal court to do their business outside of their jurisdiction. It is the people's business. How fitting we have the wheels of justice providing that flexibility. I am sure there will be other legislation; we hope it all goes as smoothly.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

Ms. MIKULSKI. For the Commerce, State, Justice appropriations, we are now waiting for the chairman to give his statement. We will correct some technical amendments. We are urging colleagues to come and offer amendments. We know of six on our side of the aisle. We are doing our best. We would like to be able to finish this bill today, but if we start offering amendments at sundown—sundown is a great cocktail party, but that is not a great way to do appropriations. So we really want, in essence, because it funds the FBI, it funds the Justice Department, it funds important help to the FEMA victims. We would like to move it along.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I first compliment my colleagues, Senator MIKULSKI and Senator SHELBY, for doing such a fine job and for the hard work they have done on a very important issue. I compliment my colleague and neighbor from Tennessee, Senator Feist, for working diligently to get the supplemental emergency appropriations bill over here so we can help our neighbors in the delta region, in the Midwest, lower Midwest region. And I again compliment my colleagues from the States of Mississippi and Alabama and Louisiana for their incredible passion and concern, as well as their hard work and their diligent efforts in responding to the needs of their constituency.

Sitting here on the Senate floor listening to my colleague from Louisiana, Senator LANDRIEU, I thought so desperately about some lessons I had learned growing up along the Mississippi River. My father was very emphatic about how important it is to not only have good neighbors but also to be a good neighbor, how critically important it is that you have good neighbors that can help you raise your children, educate them, to help out with a cup of sugar or other needs you might have at the end of the month if you do not have enough, to make sure you are trying to harvest your crops—as many of our farmers are right now—and you find out that to diligently get those crops out of the field you may not have enough hands or equipment to do that, that you can look to your neighbor to help you do that and others things.

I think during times like these, as we look to our neighbors from Louisiana and Mississippi and Alabama and where they have left their insulin, perhaps, or their high blood pressure medicine or other things that allow them a quality of life and a sustainability of life on a day-to-day basis.

It is a fiscal crisis for the States directly affected, and a crisis that we have welcomed the displaced survivors, including Arkansas, Florida, Oklahoma, Texas, and so many other States. When New York City faced a...
similar set of crises after 9/11, the city turned to Medicaid, the Federal-State partnership of health care for the poor, to provide temporary coverage for victims of the tragedy. Our Nation’s health care safety net met the needs of millions of New York families, ensuring the access to comprehensive health care services.

Current law restrictions on Medicaid eligibility impede our efforts to let Medicaid provide a safety net for Katrina survivors. Under current law, low-income individuals must be residents of a State in order to qualify for Medicaid coverage in that State. Once the individual is determined eligible and enrolled in Medicaid, Federal and State Governments share in the cost of purchasing medically necessary services from hospitals, clinics, and other providers. The amount the State pays varies from State to State—from 29 percent in Louisiana to 39 percent in Texas to 50 percent in the State of Virginia.

Katrina has displaced tens and perhaps hundreds of thousands of citizens of Louisiana, Mississippi, and Alabama who have lost everything and who will not be able to return to their homes until their communities are rebuilt. We are looking here to put into place some commonsense directives, some flexibility to allow these individuals to be able to access the kind of health care we in this Nation know they need and that they are entitled to under current law.

These citizens cannot return to their homes and may not return to their homes for months, but under current Medicaid law, they are only eligible for benefits as residents of their home State. Under current law, Medicaid services can only be provided if the State puts up its own money for the match for the survivors, but the States directly affected by Katrina and those hosting the survivors will not be able to put up the funds to offset the fiscal crisis Katrina has created. This could put Medicaid coverage for our Nation’s neediest individuals in jeopardy.

We want to prevent that from happening. We want to assure our providers and those in the communities who are there to wrap their arms around their fellow Americans—their neighbors, many of them to the south or to the east or wherever their neighbors in Alabama and Mississippi have come from—that the Federal Government has the common sense and the wisdom to be able to provide these services with the flexibility and without the red tape that in many instances would cause providers to turn their backs.

In the face of the public health, and State budget crises Katrina has created, current law is not plausible. If normal application procedures apply, the displaced survivors will face delays in establishing their eligibility for Medicaid. The providers serving them during these delays will not be reimbursed until after eligibility is established and may not receive reimbursement for their services at all. And for many of us from States that already have a disproportionate share of low-income individuals who depend on Medicaid services, this could be detrimental to not just those who are surviving Katrina’s victims but also those who are hosting those victims and those survivors as well. The host States could incur large, unexpected increases in their Medicaid costs at the same time their revenues are reduced by the economic dislocation of Katrina.

What we are looking for here is something very similar to what we did in New York—to try to provide that flexibility that is needed, streamlining these services, and, more importantly, making sure the paperwork is not the mountain of paperwork that so many are used to but that they are simplistic and something that can expedite getting the needs of these individuals met.

This is a critical issue that has to be addressed immediately. Our States and who are there to wrap their arms around our fellow Americans deserve it. To address these crises, I have proposed the temporary disaster relief Medicaid amendment. The amendment, just briefly, is as follows:

It would provide the Katrina survivors with health coverage through Medicaid wherever they find refuge. A simplified eligibility and enrollment process would be created for people who are survivors of Federal disasters in Mississippi and Alabama and Federal disaster parishes in Louisiana. It would be extended to those who live in those States and who have lost their jobs since the Hurricane Katrina crisis has happened. This, again, is something very similar to what we did in New York after 9/11. Using what we have learned there, we want to expedite these services for the victims today.

We want to make it easy for health providers to provide benefits for survivors. Once enrolled, Katrina survivors who are in other States would receive Medicaid as though they were Medicaid enrollees in that very State. Medicaid would also temporarily finance providers in other States and who have lost their jobs since the hurricane Katrina crisis has happened. This, again, is something very similar to what we did in New York after 9/11. Using what we have learned there, we want to expedite these services for the victims today.

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Mrs. LINCOLN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased to present to the Senate the Commerce, Justice, Science, and Related Agencies Bill for fiscal year 2006. Since August 25, our Nation has been gripped by the devastation and destruction left in the wake of Hurricane Katrina. We have all watched in horror as this category 4 hurricane ravaged an entire region, and each of us share in the sorrow of those who have lost their lives and their livelihoods. I am confident that the strength of the American spirit will rise to this challenge and, just as we have many times before, that we can and will recover.

The bill before us today provides funding for many U.S. Government functions that are critical to hurricane prediction, response, and recovery. The Commerce, Justice, Science, and Related Agencies Bill provides low-interest loans to disaster victims to rebuild their homes and businesses. The Economic Development Administration, under the Department of Commerce, can make funds available to distressed communities to help rebuild their infrastructure. Under the Department of Justice, State and local law enforcement assistance grants can help provide relief to Gulf Coast law enforcement agencies. Finally, the National Oceanic and Atmospheric Administration is one of three lead agencies responsible for research, forecasting, monitoring, and warning of hurricanes.

It is timely that this bill is being considered on the Senate floor, and I commend the leader for recognizing how important it is to send this bill to the President.

This afternoon, I want to take a moment to provide some general background about the bill before us and the jurisdiction of the Appropriations Committee. When I chair the Appropriations Committee, I am the first person to have visited the communities that have been affected by Hurricane Katrina. I believe it is important to all of us to understand that the entire heart of the region has been victims of this incredible storm. We, in our way, can help in bringing down the wall of bureaucracy and redtape to allow them the helping hand that we can provide.

I send the amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1662.

Mrs. LINCOLN. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")
The recommendation fully funds constellation systems and provides NASA with funds to prepare a servicing mission to the Hubble space telescope. Many of NASA’s facilities in the gulf region sustained significant damage from Hurricane Katrina, and we have not addressed these issues in this bill. We expect to address them in the next supplemental spending measure that will be considered.

Finally, in the related agencies title of this bill, I include full funding for the Securities and Exchange Commission, for the Federal Communications Commission, for the Federal Maritime Commission, for the National Labor Relations Board, for the Small Business Administration, for the Equal Employment Opportunity Commission, for the National Labor Relations Board, for the Environmental Protection Agency, for the Office of Personnel Management, and other agencies. And I ask that the amendments to the desk. I ask that the amendments. I will try to work with others where possible.

I also reiterate the leader’s position, which is that we must act on this bill expeditiously. I urge my colleagues to come to the floor and offer their amendments. I will try to work with them, but let’s act in a timely manner. Time is of the essence now.

AMENDMENT NO. 1655
Mr. President, I now send a series of amendments to the desk. I ask that all amendments be considered read and agreed to, the motions to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the Record, with all of the above occurring en bloc. These amendments have been cleared on both sides of the aisle. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1655
On page 144, line 10, strike “$409,625,000” and insert “$404,625,000.”

On page 152, between lines 20 and 21, insert the following: “United States Travel and Tourism Promotion Program, as authorized by section 220 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $5,000,000, to remain available until September 30, 2007.”
One might say people need food, water, they need clothing, they need shelter, they need schooling. Yes, they need all those immediate needs. But here is why they are going to need legal services immediately, not a year from today.

Let me share with you an e-mail from the State director of the Alabama program, one of the hardest hit States, describing what they will be doing in the next few weeks:

...legal services programs are traditionally a critical partner in long-term disaster response. We will be doing everything from trying to clear title for FEMA award purposes (many low-income folks land in houses passed from generation to generation without any formal conveyance . . .); to contractor fraud; to handling credit problems for folks who are trying to get SBA or other loans with which to rebuild their lives. Not only will we be helping victims of Hurricane Katrina (in this State), but there are over 35,000 evacuees from Louisiana and Mississippi in the State. Every one of our offices in the State will be serving Hurricane Katrina victims with already scarce resources.

So it is not something they are going to need a year or two from now, they need it today. In the initial stages, legal services will be responsible for helping hundreds of thousands of people navigate the system for obtaining disaster-related food stamps, unemployment compensation, and housing assistance. They will be on the frontlines representing people with the agencies to get the needed relief.

Legal services will be the best on-the-ground arbiters of whether deadlines need to be extended to reach the hundreds of thousands eligible for assistance.

I have a little experience in this from both standpoints: One, I was a legal services attorney before I came to Congress. That was my job. So I know a little bit about how legal services work and who they serve. Second, our State of Iowa in 1993 was hit by a devastating flood. Every single one of our counties—99 counties—was declared a disaster area. Some of our small towns were totally wiped out.

So I have a great deal of sympathy and empathy for what is going on in New Orleans. We saw whole towns in our State underwater. Some of them were never rebuilt. We had to move people to other places.

That is why legal aid lawyers represented thousands of clients in the State of Iowa in landlord-tenant disputes about the ability to terminate leases of uninhabitable property. They assisted people in Iowa with a whole range of issues.

In one example, there was a certain FEMA determination that a woman was not entitled to compensation because the property was in the name of an ex-spouse. It turned out it was not an ex-spouse; it was her spouse who had died. Legal aid lawyers worked very hard to clear this up for this poor woman. She didn’t have enough money to hire an attorney. As I said, to be qualified, one has to have an income of less than 25 percent of the poverty level.

Another example of what they did in Iowa: FEMA determinations that massive property damages were, in fact, preexisting conditions; determinations of SBA loan eligibility.

This all happened in Iowa in 1993, so I know what it means to go through a devastating flood such as this and to have people who are homeless, without housing, with no place to go and needing the help of legal services to navigate the system. That is why we got, to know for what they are eligible.

In the situation we are now facing, much bigger than the flood of Iowa, legal services lawyers will be trying to represent clients who have no access to their homes, many who are temporarily living out of State. At least that did not happen in Iowa, at least not to any great extent. There are evacuees in Texas, in Arkansas, in Washington, D.C. Providing legal help to those most in need is critical in this instance.

Beyond the immediate need of helping the victims of Hurricane Katrina, legal services is critical to reducing violence in this country. When people are not able to get results through the legal system, they resort to extralegal means. We have seen that in all areas of the country. We have seen that sometimes in disaster areas in the last week, and we should expect to see more if we cannot quickly get legal help to the people displaced.

It is not true because of Hurricane Katrina; it is true in everyday disputes. Having access to quality legal help reduces tensions, focuses people on compromise, negotiations. Legal services reduces the burdens on our courts. They help to ensure that those people with disabilities get the benefits to which they are entitled.

That is why the Legal Services Program has the complete support of the American Bar Association and every State bar in the United States. I point out that the American Bar Association supports the amendment we are offering.

Let me add that this amendment is fully offset, as it stands now.

I want to also add Senator OBAMA as a cosponsor to this amendment.

I urge my colleagues to support this amendment. As I said, 45 Senators signed a letter earlier this year seeking this level of funding: $4 million actually more than what we are asking for in this amendment.

So I hope and trust that we will hold this in conference. We cannot continue to say we are a nation of equal justice under law when the property rate keeps going up and the amount of money we are giving the Legal Services keeps going down. Poor people are being excluded from our civil justice system. That is wrong. It should not happen in this century.

So this year, next year, the year after, I will be here, and I am sure along with many others on both sides of the aisle, saying we have to get this funding back up. Our courts are plugged with people sometimes with crimes that have to do with property. How many of those might have been forestalled if they had had Legal Services?

So that is why we need to get the Legal Services Corporation back up to the level it was at least in the mid-1990s, and actually should be even greater because someone is there because of domestic violence. It could have been forestalled if people had had Legal Services.

So if my colleagues believe in equal justice under law, if they believe an ounce of prevention is worth a pound of cure, if they believe by a little bit of money upfront helping people solve their legal problems, domestic violence problems, and things like that it will help keep people out of court, which we have proven is true, then we ask for support for this amendment, and hopefully we can hold this amount when we go to conference.

AMENDMENT NO. 169

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. OBAMA, proposes an amendment numbered 169.

Mr. HARKIN. 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:

Be it enacted by the Congress of the United States of America:

(1) To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina.

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs and required independent audits for the provision of legal assistance to victims of Hurricane Katrina)

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level.

Mr. HARKIN. I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to speak in support of Senator HARKIN's amendment to add $38.2 million to the reported funding level for the Legal Services Corporation, and am
proud to join him as a cosponsor. I was one of 47 colleagues joining in a bipartisan letter in June urging the subcommittee to support the Legal Services Corporation quest for $363.8 million.

Liberty and justice for all is one of America's cherished principles, and a fundamental part of the very fabric of our Nation. Our Founding Fathers fought a revolution for it. Thousands of brave men and women since then—from Abraham Lincoln to Susan B. Anthony to Martin Luther King and all who risked their lives to ensure that the principle of justice for all truly applied to all Americans. And today, thousands of men and women of our armed forces are fighting and sacrificing their own lives to secure these freedoms for the people of Afghanistan and Iraq.

Justice for all knows no political exclusivity. It is not a Democrat or Republican value, but an American value. At the opening of each and every session of this Senate, we stand together and pledge our allegiance to this founding principle. Millions of schoolchildren pledge their allegiance every day to this fundamental tenet of our country.

Yet today in Illinois and throughout the United States, we are falling far short of fulfilling our Nation's promise of "justice for all."

A recently released study, "The Legal Aid Safety Net: A Report on the Legal Services Corporation's Low-Income Illinoisans," found that over the course of a year, tens of thousands of less fortunate Illinois residents were unable to obtain legal assistance that was often critical to their safety and independence. Hundreds of thousands more attempted to solve often complex legal problems on their own.

Studies in other parts of the country have reached similar conclusions. Millions of Americans are being shut out of our justice system, with grave consequences for themselves personally and for our country as a whole when legal assistance is not available to them. We are a long way from fulfilling our Nation's promise of equal justice for all.

This widespread lack of access to justice can only be described as a crisis for our country, and with increases in the poverty rate compounded by the vast devastation to so many of our fellow citizens caused by Hurricane Katrina, it will only get worse if we do not act.

Those being left behind by the alarming gap in access to our justice system are our friends, relatives and neighbors. They are children, families and the elderly of diverse creeds and backgrounds, and they often are the men and women fighting for our country and their families.

The story of a young man in our armed forces from Galesburg, a small city in the western part of Illinois, is a prime illustration. Before being deployed to Iraq, he visited Prairie State Legal Services, an organization funded by the Legal Services Corporation that serves residents in 36 mostly rural counties in northern Illinois, to seek help in getting a power of attorney and will prepared so that if something happened to him his family would know what to do.

Other examples of the Americans who are helped every day by legal aid groups funded by the Legal Services Corporation—and for too many of whom help is not available—include a woman and her children victimized by domestic violence seeking an order of protection and child support to give them a fair chance to start a new life, a senior couple facing foreclosure of the only home they have ever lived in after being victimized by consumer fraud, a World War II veteran who served his country so well but now is being denied the benefits we have promised him, and numerous other less fortunate residents facing legal matters critical to their safety and independence who try to pursue the American dream.

The legal aid system in Illinois is able to address only a small fraction of the civil legal problems encountered by low-income Illinoisans. The "safety net" is crumbling. Low-income Illinoisans faced over 1.3 million civil legal problems in 2003—from child custody disputes to mortgage foreclosure to physical and financial elder abuse. Low-income Illinoisans had the assistance of an attorney for only one of every six legal problems they encountered. Illinois's legal aid system is facing critical shortage of resources, with layoffs and hiring freezes becoming widespread at programs throughout the State.

The Legal Services Corporation has historically been grossly underfunded. In 1996, Congress reduced funding by 33 percent—from $415 million to $278 million, resulting in closure of more than 100 legal aid offices across the country. By fiscal year 2003, the appropriation had been increased to $338.8 million, but levels have steadily declined as a result of Government-wide reductions.

The Legal Services Corporation has already had to absorb $9 million in cuts over the last 2 years. That translates to almost 200 attorney positions across the country who are no longer helping those in need of legal assistance. Just in the last 2 years, the number of people that were able to receive needed services declined from 978,000 to 901,000. Three States are experiencing layoffs and many other States have a hiring freeze in place that has led to as many as one third of the staffing positions being vacant.

While it is not the Federal Government's responsibility to be the sole source of legal aid funding, the Federal Government has a significant role to play in partnership with State and local governments, the legal community and other public and private sources.

The need and the cost effectiveness of increased funding for civil legal aid have been amply demonstrated. The excuse that there is not enough money is no longer acceptable. We are failing to protect the legal rights of too many of our most vulnerable residents.

But if Congress adopts the Harkin amendment, this shortsighted Illinoisan Legal Services Corporation Board's funding request, it would mean almost $1 million in additional funding for Illinois programs over last year's appropriation and thereby ensure services for tens of thousands of lower-income Illinois residents.

By contrast, if the appropriation remains at the $324 million level in the underlying bill we are considering, it will result in additional cuts of more than $200,000 for Illinois programs. Attorneys throughout Illinois already contribute more than $5 million annually to civil legal aid, as well as providing hundreds of thousands of hours of pro bono services. While members of the legal community continue to be leaders in this effort, they cannot do it alone. Congress must step up to the plate.

Access to and availability of legal services will be even more acute in the coming months as thousands of victims of the devastation in the wake of Hurricane Katrina grapple with housing, unemployment, and other complicated assistance programs. Prior to Hurricane Katrina, there was a critical need for an increase in the budget for legal services programs. Between March and May of 2005, legal service programs across the country were forced to turn away 50 percent of people eligible for assistance. An additional 20 percent were forced to make due with less legal help than necessary.

By adopting this very modest amendment offered by Senator HARKIN, we can ensure that tens of thousands more Americans like those I described have access to critical legal services that will enable them to continue to be independent and productive members of our communities.

Senator HARKIN's amendment would merely restore Legal Services Corporation funding to its level from 2 years ago when adjusted for inflation. It is only a modest increase from last year's $335 million pre-recession funding level, yet it would help ensure services for tens of thousands of Americans are protected. It will help give them access to reliable web-based legal information and resources, legal aid hotlines, and extended representation by legal aid attorneys in more complex matters.

I hope we will all join in full support of Senator HARKIN's reasonable amendment. Let's demonstrate that "justice for all" is a meaningful commitment—that it never becomes a meaningless cliche.

Mr. OBAMA. Mr. President. I rise in strong support of the amendment offered by Senator HARKIN to increase funding for the Legal Services Corporation. I am proud to be a cosponsor of the amendment.

The Legal Services Corporation provides vital legal assistance to the poor
around the country. It was created in 1974 with bipartisan congressional sponsorship and the support of the Nixon administration.

In Chicago, the Legal Services Corporation funds make it possible for the Legal Assistance Foundation to help my constituents navigate their health care system and receive compensation after violent crimes. In Galesburg and Peoria, these funds make it possible for the Prairie State Legal Services organization to help people dealing with domestic violence issues and elder abuse. In the aftermath of Hurricane Katrina, you can bet that Legal Services Corporation will be in Louisiana, Alabama, Mississippi, and the many States where hurricane victims are being relocated helping newly impoverished citizens obtain food and shelter assistance, health care and insurance benefits, unemployment insurance, Social Security benefits, and FEMA assistance.

This program makes a real difference in people’s lives. Take the story of Irene and her family for example, who live in Section 8 housing and needed help. They visited the Prairie State Legal Services office in Illinois. Every day, 2-3 two wheelchair-bound grandchildren up the stairs and into a second floor apartment. Both her grandchildren have cerebral palsy and are confined to wheelchairs. The oldest is now 14 and weighs 160 lbs. And after 11 years, as I am sure you can imagine, Irene was having a hard time getting her grandchildren up those stairs. But when she tried to make this difficult situation better, it only got worse.

Irene applied for and received a transfer certificate from Section 8 to allow her to move to a new apartment. But she could not find a first-floor apartment to transfer to within the 60 days that the transfer allowed. Irene tried calling the Section 8 offices to let them know of the delay, but she was forced to leave messages. When she finally sent a letter asking for a response to her messages, she was informed that she was too late—not only was the Public Housing Agency terminating her transfer, it was also terminating the Section 8 subsidy for her current apartment.

But that is when Prairie State and Legal Services Corporation intervened. A staff attorney represented Irene in an administrative appeal, and pointed out that under the Fair Housing Act and the Americans with Disabilities Act, Irene had not been provided the support needed to assist her in finding an apartment. As a result of her attorney’s efforts, an administrative appeal was reinstated, she was given a new transfer certificate and was provided with active assistance in helping her find a new apartment.

Legal Services Corporation helps folks like Irene all across the country, from South Carolina to South Dakota, Illinois to Iowa. And when someone displaced by Hurricane Katrina cannot afford a lawyer but is having trouble getting her unemployment insurance or Social Security benefits, or getting her utilities turned back on, Legal Services Corporation will be right there. Legal Services Corporation-funded organizations have won dozens of awards and grants ranging from AARP to the American Bar Association have voiced their strong support of LSC. We should do the same.

Over the last decade, the LSC budget has suffered $196 million in cuts. The Appropriations Committee proposed this year to cut $6 million more. I do not think this is the time to deny legal services to those who need them most. I believe that in light of the pressing crises confronting individuals in the Gulf coast, we should be increasing funding for the Legal Services Corporation, not decreasing it. So I strongly support Senator HARKIN’s amendment, and I urge my colleagues to do the same.

Mr. WYDEN. Mr. President, I rise today in support of the amendment introduced by my colleague, Senator HARKIN, from Iowa, which would increase funding for the Legal Services Corporation by $38.2 million to $363 million.

If there was ever a time to provide adequate funding for legal services for the poor, that time is now.

In the wake of Hurricane Katrina, there will be thousands and thousands of Americans in desperate need of legal advice who lack the resources to hire their own attorneys or the skills necessary to meet the legal challenges they must confront.

These are the same folks that didn’t have the means to get out of harm’s way when the hurricane struck.

These are the same folks that waited for days on their rooftops, at the New Orleans Convention Center, the Superdome, and so many other places down on the Mississippi, to be rescued.

These are the same folks that now must rebuild their lives—often times from scratch.

They will need legal assistance. Congress needs to step in and help make this a reality. And Congress needs to step and increase funding so that the thousands of other Americans—in addition to the victims of Katrina—who are unable to afford legal advice get the access to justice that they deserve.

How can it be, in a country that saw our children from an early age the Pledge of Allegiance and its closing words—‘‘with liberty and justice for all’’—so many children and their families cannot obtain equal access to justice?

How can it be, in a country that saw an historic economic boom in the last decade, that 80 percent of low-income Americans still lack access to a lawyer when they’re in serious legal situations?

How can it be, in a country as strong and rich as this one, that tens of thousands of Americans who need legal representation are turned away every year because their Government won’t support the very program designed to help them?

This year, the House has appropriated only $324.5 million in funding for Legal Services. The current version of the Senate CJS Appropriations bill supports the program at about the same level.

This is less than Legal Services received in FY 2005. It’s almost $40 million less than the FY 2006 budget requested by the bipartisan Legal Services Corporation Board of Directors. In fact, the current level of funding is not much more than it was in 1981—in real dollars.

The issues that Legal Aid works to address are not esoteric legal questions. They are issues of life and death and food and shelter.

When folks who are already hurting can’t get the legal representation they need, all too often it gets harder to put food on the table and harder to pay the rent and harder to get the medicine for the kids or for Grandma.

In the State of Oregon, the need for legal aid is clear, and the choice to fund it should be obvious. Oregon’s Legal Aid programs are the primary choice for 200,000 or more low-income Oregonians every year.

But because of Legal Aid funding shortfalls in recent years, the Oregon programs have had to layoff staff, cut salaries for remaining staff, slash their medical benefits, freeze vacancies, and close the Klamath Falls office. Less than 20 percent of low income Oregonians have access to an attorney who could make a critical difference in helping them deal with a legal issue—from a getting restraining order from an abusive boyfriend to helping a predatory lending victim.

The idea that Legal Aid is the practice of political law is preposterous. It’s simply making sure that legal services are available for the very people who need them most.

Make no mistake—State, local and private resources are providing the vast majority of Legal Aid funding in Oregon and elsewhere. In 1980, Federal funding accounted for 80 percent of the total legal aid money in Oregon. In 2005, Federal funding accounts for 28 percent. Everyone else is doing their part to provide these folks with equal access to justice—it’s time that the Federal Government did its part too.

I am determined that the victims of Hurricane Katrina and poor Americans throughout the United States, who, as children, stood in their classrooms with their hands over their hearts and recited the Pledge of Allegiance and the words “with liberty and justice for all” will not find out those words were a lie.
stamps and other forms of assistance available to them. I am determined that the victims of Hurricane Katrina relocated to San Antonio will get legal help they need to deal with their insurance companies. I assure that the victims of Hurricane Katrina spread all across the country will get the legal assistance they need to rebuild their homes—and their lives.

With Federal, State and local partners, together, we can ensure equal access to the law for all Americans, including the thousands and thousands of victims of Hurricane Katrina.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Iowa for offering this amendment. I know he has been a passionate supporter of Legal Services and quite frankly so have I over the years, having used it when I was a social worker in Baltimore and a child abuse worker. I might add, when many of these children had very little protection, the kind of protection we have now.

Legal Services will perform services at multiple levels. One is the traditional services in all 50 States. No. 2, though, they will be very important now to people with Katrina, particularly those who are unfamiliar with paperwork and bureaucracy and applying and all of those things and will need someone to help them navigate.

One might ask, why would they need a lawyer? Legal Services offers more than lawyers, and they will be there. I think the Senator’s amendment is excellent. I think what we need to be able to do is find both the will and the wallet to fully support Legal Services.

When I think back on what Legal Services has meant, it often helped people get their lives together. I know in my own case as a social worker, it helped welfare mother get a divorce from an abusive husband. It helped her be able to clear up all of her credit issues so that she could begin a new life. She got a GED so she could move off of welfare and establish herself. The credit card mess was due to the abusive husband. So Legal Services, really, in many instances helps families get their lives together.

So we look forward to supporting this amendment and working with him on other advocacy issues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. 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. 1652

Mr. SALAZAR. Mr. President, I rise in strong support of the amendment offered by Senator LINCOLN to ensure that victims of this terrible hurricane have access to the health care their situation demands. This is the least we can do, and I urge Senators to support her amendment.

I was moved to hear the words of Senator LANDRIEU this morning. She has been a tireless warrior for her State throughout her career, and I commend her for her work and her efforts over the last tragic days she has been through in Louisiana. To her and to my other colleagues, to Senator LOTT, Senator COCHRAN, Senator Vitter, Senator Sessions, and Senator SHELBY, I simply say we should do everything in our power as a Senate to help the victims of this terrible storm and to help rebuild their States, cities, and communities.

Let me say, too, that I am proud of Coloradans and their response to this disaster. In the 10 days since the devastating storm hit the shores off the gulf coast, people of our State have stepped up to help the victims. Expert staff in the National Centers for Disease Control and Prevention laboratory in Fort Collins will be dispatched to the region soon. Disease trackers from Fort Collins likely will be sent to the gulf coast to help contain the spread of the West Nile virus and the spread of other mosquito-borne illnesses in the aftermath of Hurricane Katrina. The U.S. Northern Command at Peterson Air Force Base, which is charged with defending against military and terrorist threats, is now charged with mobilizing military resources for the Hurricane Katrina disaster. The U.S. Joint Operations Center in Colorado Springs has nearly 1,000 people on 24-hour duty to facilitate Federal Emergency Management Agency requests.

I am proud of the men and women in uniform who today are helping our country within our borders.

Nationally, 800 Colorado National Guard men and women support mission troops in that region today. Churches in Denver and throughout the State of Colorado are mobilizing to help with relief efforts, whether that means collecting donations, physically traveling to the devastated communities, or taking in displaced refugees. The University of Colorado has started a streamlined admissions process for students temporarily displaced by Hurricane Katrina. Colorado State University has taken similar steps.

The American Red Cross Mile High Chapter, which houses the Nation’s second largest disaster response phone operation and which for a time was handling one-third of the calls pouring into the Red Cross national headquarters in Washington, DC, has done a tremendous job, and in the immediate aftermath of the storm more than 800 Coloradans volunteered to receive training and field phone calls and take phone calls for the Red Cross.

My wife Hope and my daughter Melinda and I visited the Denver operation last week and helped man the phones. I could not have been more proud of our State and its people. I am sure the experience of life in Colorado is an experience that will go across all of our 50 States of our great Nation.

I remember Sunday, August 28, very well. The country held its collective breath as we awaited landfall of Hurricane Katrina. In my faith, we celebrate Feast Days of Saints, symbols of the kinds of lives Catholics aspire to lead. Sunday, August 28, was the Feast Day of Saint Augustine, an intellectual giant in our church who became so only after battling great personal challenges in his own personal life. Augustine had an important piece of advice for all of us that is applicable today. He said:

Pray, as though everything depended on God. Work as though everything depended on you.

One look at the devastation in the gulf coast—the destruction wrought in Biloxi, MS, the obliteration of towns all along the Mississippi coast, and the damage in Louisiana—and none of us could have imagined that kind of devastation could ever occur here in our homeland. We cannot help but feel that the reconstruction of this wonderful part of our country will depend not only on our human powers but also on the supernatural powers that will guide us.

But seeing the suffering on the faces of our fellow countrymen, women, and children, you cannot feel anything but compassion and a desire to work with them in their suffering depends on our work. In point of fact, those suffering people depend on us to end their suffering, and we owe it to them to work as though everything depends on us. I submit that a basic function of the Federal Government is to respond to a national disaster such as Katrina which has devastated 90,000 square miles of America.

We can and we must do everything we can. I submit we should take on our challenges in three critical ways. First, we can and we must do everything to help people by providing immediate humanitarian assistance. Second, the President should lead a Marshall-like plan to reconstruct the gulf coast region. Third, we must learn the lessons from the Katrina disaster so we can prevent these kinds of disasters from happening elsewhere in our great Nation.

Let me review each of those points. First, by providing immediate humanitarian aid and assistance to the victims of this terrible disaster, we should build on what is our duty and our profession. Last week, Congress provide FEMA $10.5 billion in emergency funding. Today, we anticipate we will provide...
another $51.8 billion for this national disaster. Passing these appropriations will help the victims of Hurricane Katrina, and it is the right thing to do. I am proud we are taking these steps.

At the same time, the Federal Government can and should do more. That is why I am cosponsoring Senator REID and LANDRIEU for introducing the Katrina Emergency Relief Plan earlier today. I am proud to cosponsor that legislation, and I urge my colleagues to join us in immediately passing this much needed relief for the victims.

We can take that first step now by passing Senator LINCOLN’s proposed amendment. The people of our great Nation have the right to expect and deserve the best emergency and disaster response services in the world. It is the responsibility of the Federal Government to protect its citizens, and in the aftermath of Hurricane Katrina much more needs to be done to live up to that responsibility.

The Katrina Emergency Relief Plan is the right first step. I also will continue to press for additional immediate relief, including: first, an emergency appropriation for CDC for disease surveillance and mitigation; second, immediate assistance to States for the universities and school districts, such as those in Colorado, that take on displaced students from Katrina-affected elementary, middle, high schools, and university settings; third, an expansion of the 9/11 Commission budget so we can consider all of charitable donations that can be claimed for tax purposes when those donations are given for Hurricane Katrina responses; fourth, a fix in the Tax Code to permit the expenses associated with the provision of room and board to victims of Hurricane Katrina to be tax deductible; and, finally, exemption of the victims of Hurricane Katrina from the means test under the new bankruptcy law due to take effect on October 17 of this year.

Second, we must respond to this disaster by creating a Marshall plan for reconstruction of the gulf coast. From jazz to William Faulkner, these affected States have given much to our country and to our history. As such, I cannot imagine that anyone would not consider investing the resources necessary to rebuild this vital part of our great country. We owe it to our fellow countrymen and people on the gulf coast.

That will require a recovery and reconstruction effort on the scale of the Marshall plan that rebuilt Europe after World War II. Not unlike post-World War II Europe, the Gulf States are now facing unprecedented damages which require immediate action. Entire towns in Mississippi were destroyed and it will take months to make New Orleans and other communities in Louisiana habitable again.

Such a plan should include the creation of a small and effective Coast Guard member-charged task force—called the President would appoint—with State and local participation, and that task force would have a singular focus on this challenge. The task force should develop a plan for reconstruction, identify the costs associated with that plan, and oversee its successful implementation.

In addition, I recommend getting our hands around the pummel and pump created by the record-high gas prices, and the impact they are having on our country, including consumers, farmers, ranchers, and businesses. A first step in that effort is for the Department of Justice to provide assistance, both to homeowners and their attorneys general to fight price gouging and contractor fraud, and freeze any requirements for small businesses and farmers affected by Katrina to service Small Business Administration and USDA loans or any other Federal Government-provided loans until the affected areas can be reconstructed.

If we are to have a Marshall plan, we also will need to have a leader of the caliber of General George C. Marshall. That is why I ask the President that he seek the resignation of Michael Brown, the FEMA Director, and replace him with a leader who has the experience and expertise to meet the challenges of the greatest natural disaster in our country’s history.

Thirdly, we must expeditiously determine what happened in response to this disaster and how we should reform FEMA and our Federal agencies to ensure that a slow response does not happen again. I have already joined my colleagues in calling for an independent commission to investigate the Federal response to Hurricane Katrina and how we can be better prepared for future cataclysmic events. This effort can be helpful, and, as was the case in the wake of the terrible 9/11 terrorist attacks, we can, in fact, do something to learn the lessons we must learn.

But what we do not need is a partisan investigation that produces predetermined results. Remember the history of the 9/11 Commission, the most bipartisan and successful commission in a long time. It was only against the backdrop of opposition from the White House and after months of calls from the families of the victims of 9/11 that the commission was created, and, once created, that commission did its job.

I hope we can avoid the partisan wrangling that time around and get a commission that gets right to work on this very important effort.

I will also propose legislation to improve training for evacuation and relocation in reaction to natural or man-made disasters. We often cannot predict when natural disasters will strike, but we must begin preparation for future incidents without further delay.

I hope, too, that the conferences on the Homeland Security will keep in that conference report my amendment to require a national survey of first responders. I recently conducted such a survey of Colorado’s first responders and was appalled at the result which demonstrated how unprepared our first responders are in dealing with these kinds of disasters. Given what we have seen in the last 10 days—where the Federal Government’s response has without question failed—we need to hear directly from the police, firefighters, and others how we can improve our response.

In closing, I am reminded of another saying by Saint Augustine. He asked: What does love look like? It has the hands to help others. It has the feet to hasten to the呼唤 of the poor and needy. It has the voice to denounce misery and want. It has the ears to hear the sighs and sorrows of men. That is what love looks like.

The victims of this terrible tragedy love this country, but this country has let them down. It is now time for this Senate, this Congress, and this President, who runs the executive branch, to get to work to rectify that letdown.

We are this great country’s hands, and we can do more to help those victims. We are this great country’s feet, and we can do more to carry assistance to those victims. We are this great country’s eyes, and we must see what they are suffering through. We are this great country’s ears, and we cannot turn a deaf ear to the pleas from the gulf coast.

We can do better, and I look forward to working with all of my colleagues to ensure that we do.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. 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. 1654

Mr. DAYTON. Mr. President, I ask unanimous consent to set aside the pending amendments and call up amendment numbered 1654.

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

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment (No. 1654) is as follows:

(Purpose: To increase funding for Justice Assistance Grants)

On page 133, line 24, strike "$1,078,350,000" and insert "$1,383,350,000" of which in addition to amounts provided by the following table $275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of $275,000,000 to come from activities as follows:

<table>
<thead>
<tr>
<th>Am.</th>
<th>Description</th>
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<tbody>
<tr>
<td>$63,000,000</td>
<td>from travel and transportation of persons;</td>
</tr>
<tr>
<td>$27,000,000</td>
<td>from communications, utilities, and miscellaneous charges;</td>
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</table>
$6,000,000 from printing and reproduction; and $196,000,000 from other services”.

Mr. DAYTON. I thank the distinguished ranking member for assistance in putting this together. I thank my distinguished cosponsor of this amendment, Senator CHAMBLISS of Georgia, for his leadership and involvement in the Byrne Grants, along with Senator LIEBERMAN whose long-time involvement in the grants has been recognized nationally.

If, in understanding the amendment is further cosponsored by Senator OBAMA, Senator KERRY, and Senator HARKIN, and I ask unanimous consent Senators HAGEL, CLINTON, CANTWELL, and SALAZAR be added as original co-sponsors of the amendment.

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

Mr. DAYTON. Mr. President, this amendment increases the funding for the Juvenile Assistance Grants by $275 million, with particular focus on adding the funding to what are called the Byrne Grants, which are local law enforcement grants vital in my State of Minnesota for fighting the scourge of meth that has ravaged communities, that has been so destructive to schoolchildren of all ages. I am sorry to say, particularly teenagers and young adults.

The illegal meth used in production in Minnesota has increased in a skyrocketing fashion. I understand that is true in his leading States as well. These Byrne Grants have been essential to Minnesota and other law enforcement efforts to provide the funds necessary to combat the scourge. The funds go to local law enforcement block grants.

The Byrne Formula Grants consolidated into the Justice Assistance Grant have been reduced in the last couple of years. This restores badly needed funding for those purposes. I commend the leadership of the subcommittee and the ranking member for providing $625 million of funding that is well above what the House of Representatives has provided, $348 million.

This money is desperately needed and will be well used. My amendment is fully offset by various reductions in administrative expenses. I can detail those if Members desire, but it will be fully offset, and has been determined as such by the Congressional Budget Office.

I ask unanimous consent, at the conclusion of my remarks, the following letters of endorsement from the national organizations be added: The National Association of Police Officers, the International Association of Chiefs of Police, the Minnesota Sheriffs’ Association, the Minnesota Police and Peace Officers Association.

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

Mr. DAYTON. I ask my colleagues to support this bipartisan effort. I believe they will find, as I have, this has almost unanimous support of local law enforcement officials in their States, as it does in mine. The funding is desperately needed, and it will be well used and go to our communities, to our counties, to our States in ways that will be directly involved in reducing juvenile crime as well as other forms of crime.

EXHIBIT 1

THE NATIONAL ASSOCIATION OF POLICE OFFICERS, September 6, 2005.

Re Dayton Amendment re JAG funding.

Office of Senator Dayton.

Washington, DC.

NAPO supports Senator Dayton’s amendment to increase JAG funding by $275 million. The Justice Assistance Grants have provided beneficial support for local law enforcement, fostered community initiatives against crime and facilitated improvements to State criminal justice systems. We thank the Senator for his continued work to ensure that local law enforcement is afforded the ability to use and user-friendly funds it Deeds the most.

Please keep me posted on how the amendment goes.

Thank you.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, September 6, 2005.

Hon. Mark Dayton,
Russell Senate Office Building.
U.S. Senate, Washington, DC.

DEAR SENATOR DAYTON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our support for your amendment to restore funding to the Justice Accountability Grant (JAG) program. As you know, the IACP is the world’s oldest and largest association of law enforcement executives with more than 20,000 members in 100 countries.

The JAG program, which was formed by consolidating the Byrne Memorial Justice Assistance Grant program and the Local Law Enforcement Block Grant program, is one of the primary federal assistance programs for state, tribal and local law enforcement agencies. For more than a decade, the resources provided under the JAG program have allowed law enforcement agencies to expand their capabilities and make strides in reducing the incidence of crime in communities across the nation. The JAG program provides crucial funding to assist states, tribes and local governments in controlling and preventing drug abuse, crime and violence, and in improving the functioning of the criminal justice system.

However, this vital program has seen significant cuts in recent years. H.R. 2862 as currently drafted in the Senate would provide $625 million, a cut of $275 million or 30 percent, from FY 2003 levels. Cuts of this magnitude will certainly have a significant and negative impact on the ability of state, tribal and local law enforcement agencies to maintain the many critical anti-crime programs that are currently supported by funds received under the JAG program.

It is vital that Congress act to ensure that state, tribal and local law enforcement agencies continue to receive the resources necessary to maintain these programs and to maintain the critical anti-crime programs that are currently supported by funds received under the JAG program.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

James D. Franklin,
Executive Director.

MINNESOTA SHERIFFS ASSOCIATION, September 7, 2005.

DEAR SENATOR MARK DAYTON: The Sheriffs of Minnesota are asking for your support and assistance in restoring funding for the Justice Assistance Grant (JAG) program, including the Byrne Program and Local Law Enforcement Block Grant which is my amendment. I am considering an amendment that would add $275 million to JAG which would increase funding to 2003 level of funding.

Under the Administration’s current proposal funding for several of these crime fighting programs are significantly decreased or eliminated altogether. The Minnesota Sheriffs Association is in your support in restoring funding for the Byrne Memorial Justice Assistance Grant and COPS programs. In Minnesota the Byrne Grant program is critical to the success of our Gang and Drug Task Force operations. During our Minnesota 2005 Legislative session, our legislature appropriated local funds to match the Byrne Grant funds. The coordination of these funds will give our law enforcement officers the resources and necessary support as they battle both increased gang activity and the growing danger of meth addiction and use within our state. Example: in a recent sample survey at several of our county jails it was revealed over 53% of our prisoners are in jail for related charges. Without the Byrne Grant funding, local crime fighting resources will have to be reduced.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

Gene R. Vorotkin,
Legislative Counsel.

MINNESOTA SHERIFFS ASSOCIATION, September 7, 2005.

DEAR SENATOR MARK DAYTON: The Sheriffs of Minnesota are asking for your support and assistance in restoring funding for the Justice Assistance Grant (JAG) program, including the Byrne Program and Local Law Enforcement Block Grant which is my amendment. I am considering an amendment that would add $275 million to JAG which would increase funding to 2003 level of funding.

Under the Administration’s current proposal funding for several of these crime fighting programs are significantly decreased or eliminated altogether. The Minnesota Sheriffs Association is in your support in restoring funding for the Byrne Memorial Justice Assistance Grant and COPS programs. In Minnesota the Byrne Grant program is critical to the success of our Gang and Drug Task Force operations. During our Minnesota 2005 Legislative session, our legislature appropriated local funds to match the Byrne Grant funds. The coordination of these funds will give our law enforcement officers the resources and necessary support as they battle both increased gang activity and the growing danger of meth addiction and use within our state. Example: in a recent sample survey at several of our county jails it was revealed over 53% of our prisoners are in jail for related charges. Without the Byrne Grant funding, local crime fighting resources will have to be reduced.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

James D. Franklin,
Executive Director.

MINNESOTA SHERIFFS ASSOCIATION, September 8, 2005.

Hon. Senator Mark Dayton,
Russell Senate Office Building.
Washington, DC.

DEAR SENATOR DAYTON: I write today to thank you and commend your efforts to ensure continued and critically needed funding for the Byrne Justice Assistance Program. I write to express our concern and to ask that police officers across the state and the 7,500 members of the Minnesota Police and Peace Officers Association (MPPOA), for the Dayton-Cromartie amendments to the Justice, Commerce, Justice, Science Appropriations Bill (H.R. 2862) to enhance funds provided for this critically important program.

In Minnesota and other states across the country, the Byrne Justice Assistance Program is a significant source of support for education, treatment, and law enforcement initiatives combating the scourge of methamphetamine. As you know, methamphetamine is a serious and still growing problem in Minnesota, and it continues to spread throughout the nation. Exposure to methamphetamine and the waste and by-products from its production poses significant risks and has devastating consequences—for individuals, children, communities, and emergency services personnel. Indeed, nearly every day a tragic story is reported in the Minnesota media telling of the devastating effect of methamphetamine on our residents, our families, and our communities.

As President of Minnesota Police and Peace Officers Association (MPPOA), I have witnessed first hand the benefits of the Byrne Program in protecting our communities and families from the growing problem of methamphetamine. In Minnesota, the Byrne Justice Assistance Program funds
local drug education treatment, and law enforcement programs, including 21 multi-jurisdictional drug task forces that are tasked with combating the epidemic of methamphetamine cooking and producing in our communities. Without the support of the Byrne Justice Assistance Program funding, these drug task forces face reductions that will diminish their abilities and effectiveness. Should this occur, Minnesota’s ability to fight the war on drugs would undoubtedly be diminished, with potentially disastrous consequences. I have attached a recent article from the Fergus Falls (MN) Daily Herald which illustrates the importance of the drug task forces and the potential consequences of reductions in resources.

The concerns of Minnesota law enforcement officers are not limited to the borders of the state—methamphetamine cooks often obtain the necessary ingredients in surrounding states and manufacture the drug locally. In addition, the international and interstate trafficking of methamphetamine is increasing as the drug task forces succeed in their efforts to identify, arrest, and prosecute domestic clandestine methamphetamine laboratory operators. These challenges highlight the need for a strong federal response to methamphetamine, an effort that, in many areas, depends on the support of the Byrne Justice Assistance Grant Program.

Once again Senator Dayton, thank you for your continued support of Minnesota’s law enforcement community and your efforts to ensure adequate resources in the national fight against methamphetamine.

Sincerely,

Bob Bushman, President

Mr. DAYTON. I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

Mr. OBAMA. 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. BOND. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

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

Mr. BOND. Mr. President, we are all very busy working on appropriations bills, and we are working in committees as individuals and leaders on the terrible tragedy of Hurricane Katrina, and our hearts and our thoughts and prayers go out to all the victims. We know a tremendous amount of work needs to be done, and we are just beginning to see how big it is and how difficult it is going to be. Certainly, the distinguished manager of the bill knows in his own State how terrible this crisis is.

But I believe it is important to issue a cautionary message that as we approach the anniversary of 9/11, we cannot lose sight of the fact that we are still at war and under attack by those who want to end our way of life and destroy our civilization and terrorize our citizens.

I have been asking myself: Are we safe from another terrorist attack on the scale of 9/11? Is the Government doing everything it can to protect us? What can we do better? We have heard recently some very ominous warnings from leaders of al-Qaeda that they are preparing another terrorist attack. Obviously, we have to maintain the appropriate means of defense, and we...
have done a good job of making it more difficult for terrorists to strike commercial airlines, but we also know, from having seen the attacks in London in July, that terrorists are looking for soft targets.

Therefore it is crucial to protect what we know they have attacked in the past. We have to do a better job. I think President Bush was right in saying the best way we can keep our country safe is to carry the war on terror to those countries that harbor terrorists.

The question I have been asking recently about whether we should have gone into Iraq. Mr. President, I ask unanimous consent to have printed in the Record an article by Christopher Hitchens in last week’s Weekly Standard that lays out in detail, for anybody who is interested, why we had to go into Iraq, why it is the right war. I would incorporate that by reference because that article does a good job of outlining my own beliefs.

The Iraq operation, the material was ordered to be printed in the Record, as follows:

A WAR TO BE PROUD OF: THE CASE FOR OVER-THE-WHIPPING SADDAM WAS UNIMPEACHABLE. WHY, THEN, IS THE ADMINISTRATION TONGUE-TIED?

(By Christopher Hitchens)

Let me begin with a simple sentence that, even as I write it, appears less than Swiftian in the modesty of its proposal: “Prison conditions in Iraq were a calamity and Saddam Hussein had improved them considerably and dramatically since the arrival of Coalition troops in Baghdad.”

I could undertake to defend that statement against any member of Human Rights Watch or Amnesty International, and I know in advance that none of them could challenge it, let alone negate it. Before March 2003, Abu Ghraib was an abattoir, a torture chamber, and a concentration camp. Now, and not without reason, it is an international byword for Yahweh and sadism. Yet the improvement is still, unarguably, the difference between night and day. How is it possible that the advocates of a post-Saddam Iraq have arrived? What happened on the death of Saddam in this manner? And where should one begin?

I once tried to calculate how long the post-Cold war liberal Utopia had actually lasted. Whether you choose to date its inception from the fall of the Berlin Wall in November 1989, or the death of Nicolae Ceausescu in late December of the same year, or the release of Nelson Mandela from prison, or the tremendous defeat suffered by Augusto Pinochet (or indeed from the publication of Francis Fukuyama’s book about the “end of history”), liberal optimism has never been as strong and as long-lived. The improvement is still, unarguably, the difference between night and day. How is it possible that the advocates of a post-Saddam Iraq have arrived? What happened on the death of Saddam in this manner? And where should one begin?

One is not mentioning these apparently discrepant crimes and nightmares as a randomly unordered list.

Khameini, for example, was attempting to compensate for the massive humiliation of the peace agreement he had been compelled to sign with Saddam Hussein. And Saddam Hussein needed to escape the political challenge that he thought he had suffered in the very same war. Milosevic (anticipating Putin, it now seems to me, and perhaps Beijing also) wanted to regain nationalist or socialist nationalism into national socialism. It was to be noticed in all cases that the aggressors, whether they were killing Muslims, Serbs or Jews, had a version of socialism for neighbors, shared a deep and abiding hatred of the United States.

The balance sheet of the Iraq war, if it is to be seriously argued, will also involve a confrontation with at least this much of recent history. Was the Bush administration right to leave—actually to confirm—Saddam Hussein in power after his eviction from Kuwait in 1991? Was James Baker correct to say, in his delightfully folkly manner, that the United States did not “have a dog in the fight” that was coming for the mad dream of a Greater Serbia? Was the Clinton administration prudent in its retreat from Somalia, or was it in opposition to the presumptive strengthening of the U.N. forces in Rwanda?

I know hardly anybody who comes out of this examination with complete credit. There were neoconservatives who jeered at Rushdie in 1989 and who couldn’t see the point when Sarajevo faced obliteration in 1992. There were leftist humanitarians and radicals who rallied to Rushdie and called for solidarity with Bosnia, but who—perhaps because they had no real conscience about Palestine—couldn’t face a confrontation with Saddam Hussein even when he annexed a neighbor state that was a full member of the Arab League and of the U.N. (I suppose I have to admit that I was for a time a member of that second group.) But there were inconsistencies, too. French statecraft, for example, was uniformly hostile to any resistance against aggression, and Paris even sent troops to rescue its faithful clientele in Rwanda. And some on the hard left and the brute right were also opposed to any invasion for any reason, of American military force.

The only speech by any stateman that can bear re-printing from that low, dishonest decade came from Nairobi in August 1999. Welcoming the defeat and overthrow of Milosevic after the Kosovo intervention, he warned against any self-satisfaction and drew attention to an inescapable confrontation that was coming with Saddam Hussein. So far from being an American “poodle,” as its taunting and ignorant foes like the Italian philosopher Massimo Rostami claimed, it was at best a false pretense and at worst an unprompted aggression. How can this possibly be? Why, then, is the Administration tongue-tied?

There is, first, the problem of humorless anti-liberal, anti-secularist zeal. In Saki’s short story The Lumber Room, the naughty but clever child Nicholas, who has actually placed a frog in his morning bread-and-milk, doesn’t credit this excuse for not eating his healthful dish: “You said there couldn’t possibly be a frog in my bread-and-milk.” He repeated, with the insistence of a skilled tactician who does not intend to yield ground.

Childishness is a thing—there it is, as we grew up on this wonderful Edwardian author who was always happy to see the grown-ups and who—perhaps better than the public in adults is quite another thing, and considerably less charming. “You said there were WMDs in Iraq and that Saddam had friends in Beijing, and that the United States did not ‘have a dog in the fight.’” I have had many opportunities to tire of this mantra. It takes ten seconds to intone the mantra. It takes ten seconds to intone the said mantra. It would take me, on my most recent C-SPAN day, at the very least five minutes to say that Abdul Rahman Yasin, who mixed the chemicals for the World Trade Center attack in 1993, subsequently bought and found refuge in London. Dr. Mahdi Obeidi, Saddam’s senior physicist, was able to lead American soldiers to nuclear centrifuge parts and a blueprint for a complete centrifuge (the crown jewel of nuclear physics) buried on the orders of Quasy Hussein; that Saddam’s agents were in Damascus as late as February 2003, negotiating to purchase missiles off the shelf from North Korea; or that Rolf Ekeus, the great Swedish socialist who founded the inspection process in Iraq after 1991, has told me for the record that Saddam was “more armed—and armed with more face-to-face meeting with Tariq Aziz. And these eye-catching examples would be no means exhaust my repertoire, or empty my mental—no, not empty my mental—no, not empty my mental, for soft targets.

It is not enough to protect what we know they have attacked in the past. We have to do a better job. But what about the next one? For anyone with eyes to see, there was only one other state that combined the diabolical and the blatant and the brazen: Iran, both “rogue” and “failed.” This state—Saddam’s ruined and tortured and collapsing Iraq—had also met all the conditions under which a state may be declared by its own legal sovereignty. To recapitulate: It had invaded its neighbors, committed genocide on its own soil, harbored and nurtured international thugs and terrorists, routed every provision of the Non-Proliferation Treaty, the United Nations, in this crisis, failed to act, failed to impose the resolutions and its own character, had managed to set up a system of sanctions-based mutual corruption. In May 2003, things had gone on as they had been going, Saddam Hussein would have been due to tell Iraq’s not as chair of the U.N. Conference on Disarmament. Meanwhile, every species of gangster-from the hero of the Achille Lauro hijacking to Abu Musab al Zarqawi was finding hospitality under Saddam’s crumbling roof.

One might have thought, therefore, that Bush and Blair’s decision to put an end at last to this intolerable state of affairs would be hailed, not just as a belated vindication of long-ignored U.N. resolutions but as some correction to the decay and ignominious inaction that just had passed in Bosnia and Rwanda. But such is not the case. An apparent consensus exists, among millions of people in Europe and America, that the whole operation for the demilitarization of Iraq, and the salvaging of its traumatized society, was at best a false pretense and at worst an unprompted aggression. How can this possibly be? Why, then, is the Administration tongue-tied?

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than enlighten them or reason with them. Still, the only real strategy of deception has come from those who believe, or pretend, that Saddam Hussein was no problem. I have a ready answer to those who accuse me of being an agent and tool of the Bush-Cheney administration (which is the nicest thing they can say to me) and attempting a more costly and bloody intervention by some kind of coalition, much too late and on even worse terms and conditions. This is the lesson of what I believe to be the second day, and of Darfur today. When I have made this point in public, I have never had anyone offer an answer to it. A broken Iraq was in our future no matter what American responsibility (somewhat conditioned by our past blunders) that no decent person could shrink. The only unthinking policy was one of abstention. As two pieces of logic, I still attend those of us who go out on the road for this urgent and worthy cause. The first is continu- ing: There are an astounding number of plain faults and charlatans (to phrase it at is highest) in charge of the propaganda of the other side. Just to tell off the names is to frighten children more than Saki ever could: Michael Moore, George Galloway, Jacques Chirac, Tim Robbins, Richard Clarke, Joseph Wilson ... a roster of gargoyles that would make heavy jokes about Halliburton, and some disdain to conceal their sympathy for the opposition. The second bit of luck is that a certain fraction displayed by a huge number of anonymous Americans. Faced with a constant drizzle of antiwar and anti-Bush sentiment, millions of people stick out their jaws and hang tight. I am no fan of populism, but I surmise that these citizens are clear on the main point of the question—plainly and absolutely out of the question—that we should surrender the keystone state of the Middle East to a rotten, murderous al- liance between Baathists and bin Ladenists. When they hear the fatuous insinuation that this alliance has only been created by the re- sistance to it, voters know in their intes- tines that those who say so are soft on crime and soft on fascism. The more temperate anti-warriors, such as Mark Danner and Har- old Meyerson, like to employ the term “a war of choice.” One should have no problem in accepting this concept. As they cannot and do not deny, there was going to be an- other round with Saddam Hussein no matter what. That there is a “choice” of time and place have fallen? The clear impli- cation of the anti-choice faction—if I may so dub them—is that this decision should have been left up to Saddam Hussein. As so often before.

Does the President deserve the benefit of the reserve of fortune that I just men- tioned? Only just, if at all. We need not argue about the failures and the mistakes and even the crimes, because these in some ways argue themselves. But a positive and counting could be offered without braggrary, and would include:

1. The overthrow of Talibanism and Baathism, and the many highly suggestive links between the two elements of this Hitler-Stalin pact. Abu Musab al Zarqawi, who moved from Afghanistan to Iraq before the coalition intervention, has even gone to the trouble of naming his organi- zation al Qaeda in Mesopotamia.

2. The subsequent capitulation of Quaddafi’s Libya to the West in the face of mass destruction—a capitulation that was offered not to Koofi Annan or the E.U. but to Blair and Chirac.

3. The consequent unmasking of the A.Q. Khan network for the illicit transfer of nu- clear technology to Libya, Iran, and North Korea.

4. The agreement by the United Nations that its own reform is necessary and over-
version to include expanded authorities needed by national security investigators.

The men and women who are fighting the war on terror every day here at home say that without the PATRIOT Act, many of our Nation’s most important victories would not have been possible. It addressed critical vulnerabilities in the pre-9/11 homeland defense posture. For example, it allowed national security investigators, pending court’s approval, to obtain and use a multiple wiretap to track a suspect’s phone communications, even when a terrorist switches, changes, or abandons phones to avoid detection, a common terrorist tactic.

Specifically, according to senior law enforcement officials, during the summer of 2002, the act allowed our Nation’s law enforcement intelligence communities to break up the Portland Seven terrorist cell. Members of that cell had traveled to Afghanistan in 2001 and been trained by the Taliban and al-Qaeda against the United States.

In 2004, the act was used to protect the El Paso Islamic Center. When Jared Bajrason sent an e-mail threatening to burn the center to the ground if housing developments were not halted, the FBI used provisions of the PATRIOT Act to identify him as the source of the threat. Without the provisions in that act, it would have taken 30 days to obtain a string of needed search warrants while the threat of attack was only 3 days away.

Why is it that we need to make permanent several of the act’s provisions? Why do we need to modify proposed legislation to enhance further the ability of our Nation’s law enforcement authorities? Some may argue: If it ain’t broke, then don’t fix it. But I am a show-me Missourian, and I can tell you that making permanent these provisions is very important.

Terrorism is the operative challenge we face. Over the last 4 years since 9/11, we have seen terrorism and specifically violent Sunni extremists waging war against us and our allies, led and inspired by Osama bin Laden and his lieutenant Ayman Al-Zawahiri. They are not a static, monolithic, or predictable enemy. They do not have a country. They are not identifiable as a nation or a state. They are a combination of stateless hierarchical and formalistic structures, equally lethal and fragmented. Because of the traits in the cultural and religious complexities, they are not predictable, quantifiable, or vulnerable to penetration. We have seen this in the Intelligence Committee, and we know that there is a great danger that there that we must continue to work to avoid.

These groups are highly organized and disciplined. They are inspired by bin Laden and Ayman Al-Zawahiri. They have been led, trained, and funded by graduates of al-Qaeda training centers. Our enemy is determined to win. It is committed to victory. We cannot afford just to be hopeful.

As CIA Director James Woolsey once said: It is as if we were fighting with the dragon for some 45 years, slew the dragon, and then found ourselves in a jungle of poisonous snakes. The snakes are a lot harder to keep track of than the dragon they fought over.

The PATRIOT Act is designed to be preventive. We know that the terrorists want to bleed us. Unfortunately, we have seen the blasphemy of Osama bin Laden taking the God of Abraham and claiming: Allah willing, and nothing is too great for Allah.

This videotape was just released. And more recently his deputy, Ayman Al-Zawahiri, released a message saying:

The land and interests of the countries which dealt with the very real anons certain tragedies of the Islamic awareness, Iraq, and Afghanistan are targets for us. If you continue your politics against Muslims, you will see, God willing, such horror that you will forget the horrors of Vietnam.

This is the same kind of challenge and the same kind of threat we saw before 9/11. This, I am saying, requires us to be even more attuned and prepared for a potential terrorist attack.

I also note recent BRAC proposals, we have gotten rid of many of the Air National Guard’s air national defense missions. On 9/11, the Air National Guard flew 90 percent of the first 400 combat air patrols after the first 24 hours of the attack. We need to rethink our dismemberment of those critical assets.

Mr. President, I thank my colleagues for their indulgence. We are still facing a danger that we cannot overlook as we deal with the very real anons certain tragedies of Katrina. I hope we will be able to continue our efforts to make sure that our law enforcement and intelligence agencies have the kind of resources they need to root out, to discover, to disclose, to defend against future terrorist attacks.

I thank the Chair and my colleagues, the managers of the bill. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

SENATE RESPONSE TO HURRICANE KATRINA

Mr. MCCONNELL. Mr. President, in times of catastrophe, when destruction, suffering, and death are so overwhelming that it breaks your heart and almost leaves you numb, it is comforting to find that an outpouring of generosity, kindness, and help from our fellow man restores our faith and strengthens our souls.

While with the destruction wrought by Hurricane Katrina, we see more and more acts of extraordinary generosity and kindness. In Louisville, Kentucky, my hometown, we are preparing right now to receive over 500 evacuees who have lost their homes due to Katrina. With all their worldly possessions gone, they are reliant on the kindness and generosity of their fellow Americans, and we are finding all across the country that kindness and generosity is certainly not lacking.

Red Cross volunteers in Louisville are working around the clock to turn the city’s fairgrounds into a temporary shelter. At home, over 300 families turned out to shower donations on a local Salvation Army center. One man even brought 10,000 pounds of dry beans. Others are bringing basic necessities such as soap, toothpaste, and towels.

This spirit of generosity for our fellow man is by no means limited to the Commonwealth of Kentucky. Across the United States, we have seen pictures or heard stories over the last several days of millions of total strangers reaching out to help their fellow citizens who have been displaced by the tragic events on the Gulf Coast. We see Gigi Gift filling old backpacks with clothes, blankets and, yes, a stuffed animal for children who have lost everything. We hear of Boy Scouts collecting food and clothes, as well as raising funds for the Red Cross, the Salvation Army, and other aid organizations. Businesses small and large have opened their hearts, wallets, and warehouses to provide cash as well as in-kind aid. Churches of all denominations have taken up the cause of their brother’s keeper.

Thanks to the support of so many Americans, the thousands of people from Louisiana, Mississippi, and Alabama affected by Katrina will have a chance to build new lives, raise their families, perform their labors, State, and Federal Government has the major role to play at this point. I am pleased we were able to act quickly last week and pass a $10.5 billion appropriation for emergency response and recovery. We are going to pass later today, hopefully, another $51.8 billion in assistance, and more will be on the way if and when that is needed.

Our thoughts and prayers are with our fellow Americans who have tragically lost loved ones and with many others who have lost their homes and all of their worldly possessions. The Senate must focus on the immediate task before us of providing support for the relief, recovery, and rebuilding of the Gulf Coast region.

While we have much important work to do in the days and weeks ahead, we can take some comfort that, once again, in the midst of a tragedy, the worst of times seems to bring out the best in our people. So let us appreciate the people of Louisville, of Atlanta, Houston, Baton Rouge, and all over the country who are reaching out to help Katrina’s victims and, we hope, the Gulf States. While one person alone may make little difference in comparison to the magnitude of this disaster, millions of individual acts of compassion taking place all over our country will go a long way to alleviate the pain and suffering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, are we still in morning business? The PRESIDING OFFICER. The Senate is considering the appropriations bill for Commerce-Justice-Science.
Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that I may send an amendment to the desk and ask for its consideration.

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

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The President pro tempore legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1661.

Mr. BIDEN. 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 emergency funding for victims of Hurricane Katrina)

At the end of the bill, insert the following:

Title VII—Emergency Relief for Victims of Hurricane Katrina

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for this Act, and designated for emergency purposes pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) Enhancing State and Local Law Enforcement—$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) $700,000,000 added to the Hiring section.
(B) $300,000,000 to the Interoperable Communications Technology section.

(2) Assisting Children Impacted by Hurricane Katrina.—Under the Missing Children Program, $10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) Assisting Victims of Sexual Abuse and Domestic Violence.—Under the Violence Against Women Act function, $5,000,000 for the Office on Violence Against Women for assistance for survivors of domestic violence and sexual assault in the areas impacted by Hurricane Katrina in the following amounts:

(A) $3,000,000 to the Rape Abuse and Incest National Network (RAINN) to rebuild crisis centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.
(B) $1,000,000 for non-profit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of the Statewide coalitions.
(C) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to non-profit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the State coalitions, and that the Statewide coalitions have demonstrated competence.

Mr. BIDEN. Mr. President, I have a number of points to make today. The bottom line of what I am proposing is an amendment to the Commerce-Jus-tice-Science appropriations bill relating to law enforcement and COPS. The bottom line is—and I will explain this briefly.—No. 1, I propose adding $1.019 billion to assist local law enforcement, support victims of domestic violence and sexual assault, and provide with some aspects of the impact of the hurricane on local law enforcement.

No. 2, this amendment contains $1 billion for the Interoperable Communications Technology section.

It is clear by all accounts that the Federal Government should do is those things which no State can do. Or put another way, if the State can do any of what is required to meet the needs of their citizens, only the State should do it.

From men and women on this floor who are equally as adamant about fighting crime as I have been in my years, they are saying they support eliminating the COPS Program. Why? They say it is not the business of the Federal Government. The Federal Government should not be involved in local law enforcement.

Well, I like to point out that 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, the sale of drugs, illicit drugs. Is that a State responsibility or does not that stuff come across the border? Does not that stuff come from the Andes? Does not that stuff come from Afghanistan? Does not that stuff come from abroad? We can have the best police department, the most significant—and I think we have the best law enforcement agencies in the Nation in the State of Delaware, and you cannot stop them. They cross State lines. So I respectfully suggest to the devolution of-Government guys that Federal responsibility exists as it relates to local crime and local law enforcement.

I would like to point out another thing. God forbid we have an attack. Let us assume—and it was not, but let us assume some divers were planting explosives to blow up the levees along the Mississippi River. We need the police force of Lake Pontchartrain, which by the way is a lot higher. Who is going to find them? Is it going to be some brave special...
forces officer in night vision goggles watching this happen and they are going to capture them or is it going to be my son who is now in the National Guard down in Gulfport, MS, patrolling the streets? Is he the one going to be doing that? No, it is going to be a local cop.

Who is going to find the guy or the woman or the terrorist who is going to try to put sarin gas into the Houston Astrodome or a giant shopping mall? It is going to be some cop coming from Dunkin’ Donuts behind the facility catching someone in a dumpster.

I do not know what we are thinking about here. Cutting local law enforcement money? Forget Katrina, this only makes the point more starkly, but forget it for a moment. What are we doing? We had a great President named Reagan who said, if it ain’t broke, don’t fix it.

Guess what. Nobody has argued the COPS Program has not succeeded. No one has argued that it has failed. Former Attorney General said, when it was time to eliminate it, I think the word he used was miraculous, it has been a miraculous program.

Let us cut it? Let us eliminate it? I would add to the suggestion that law enforcement is not purely a local problem. Look at what is happening in the Gulf States right now. Law enforcement is a national concern and requires a national response and a national commitment. Local communities need robust police departments. They need superior communication technology and equipment. I know my friends in the Commerce Committee know more about the spectrum fight, which I will not get into now, than most do, but the idea that there is not sufficient spectrum available to our first responders because the broadcast industry is unwilling to commit to the deal they made is beyond me.

Localities are the ones that not only affect the overall security of the country but the day-to-day lives of their citizens by reducing crime. This also helps local governments be better at responding in periods of crisis. What could be more important to the national priority than the safety of our citizens?

We simply have not been doing right by our States and local government partners over the past few years. Throughout we allocated billions of dollars to hire police officers, provided them with the technology they needed. We all know the story. Reduce crime each year for 8 consecutive years and we are still reaping the benefits of those successes as crime rates still go down.

I would like to point out one other simple fact. Having chaired the Judiciary Committee or been its ranking member for 30 years, to the best of my knowledge, there is no other time in American history when the cadre of those in their crime-committing years, meaning young people between the ages of 14 and 25, have increased and violent crime has gone down. This program has worked because the States have made it work. We reduced crime, as I said, 8 years in a row. But we did more than reduce crime by this legislation we have cut. We also demonstrated a commitment to local agencies. We increased their capacity to respond to any situations of the local communities.

In this year’s budget, we have allocated only $2 million to hire police officers. This amount will hire approximately 25 officers throughout the Nation, hardly a ringing endorsement of our local agencies. Right now, the COPS office has pending applications to hire 8,000 local officers left unfilled due to lack of funds. The amendment I am offering today would provide $700 million to immediately fill these needs with special emphasis on filling the needs of those agencies in the devastated New Orleans Police Department in particular will need special assistance. If this funding is allocated to the COPS office, it should work with those agencies first.

We also know that network capabilities—that is the infrastructure—has been destroyed. We need to help them get those networks back on line so they can continue to do their job. My amendment would add $300 million to the current allocation of $37 million, which is all that has been allocated. It would add $300 million to help agencies in the gulf coast get up and running again. The COPS office has had an overtime program to help local agencies pay overtime. We all understand the need to assist local agencies that have been working around the clock, but based on conversations with the Louisiana Association of Chiefs of Police and the National Sheriffs Association, it is my understanding that the Federal Emergency Management Agency will be reimbursing local agencies and for those costs. Because of this understanding, we have not included additional assistance for overtime in this amendment.

Finally, we include $19 million for children who have been displaced and to support the domestic violence shelters that have been destroyed. The National Center for Missing and Exploited Children has reported that over 1,000 children have been displaced by this storm—that means they are not with their parents or guardians—and in this amendment we provide $10 million for that effort.

We also provide $9 million to support domestic violence victims impacted by the storms. We all heard the reports of sexual assaults in the aftermath of Hurricane Katrina, and we will support those victims who have not been moved to new shelters.

In addition, this funding will support the shelters in Louisiana, Mississippi, and Alabama that have been impacted and will help support shelters in adjoining States that have been called upon to do much more in the coming months. I think all of my colleagues have heard me say that I believe there is not a more important responsibility in Government than the safety of its citizens. It comes before their health, before their education, and providing for anything. There are no civil liberties, there are no opportunities if one is not able to be safe on the street. Without safety and security, nothing else matters. Our local law enforcement agencies are doing every day fighting crime and responding to emergencies. Hurricane Katrina demonstrated quite starkly the way we rely on them. The Federal support for these officers has been on a steady decline, as I said at the outset, the past few years. We need to reverse that trend. This amendment will help us get back on track.

I thank the Chair and I yield the floor.

The PRESIDENT. The Senator from Maryland?

Mr. SARBANES. Could I ask what the parliamentary situation is?

The PRESIDENT. The Commerce, Justice, Science appropriations bill is pending.

Mr. SARBANES. I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

The PRESIDENT. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Maryland [Mr. SARBANES] proposes an amendment numbered 1662.

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

The PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To assist the victims of Hurricane Katrina with finding new housing, and for other purposes)

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(22) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

“(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of
a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emerg

ency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and "(ii) the residence of the individual or fam
ily became uninhabitable or inaccessible as a result of that major disaster or emergency. "(2) REGULATIONS.—Not later than 30 days after the date on which the Secretary determines that an
individual or family is eligible for any waivers or benefits provided under this paragraph, the Secretary may—
(a) extend for an additional 6 months unless at that time the Secretary determines that
the individual or family is no longer eligible; and
(b) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
(2) ASSISTANCE FOR CURRENT VOUCHER RECI
PIENTS AFFECTED BY HURRICANE KATRINA.— In providing assistance under this paragraph, the Secretary shall—
(i) waive any of the requirements described in clauses (i) through (vi) of paragraph (2)(E) for
any individual or family receiving assistance under this section.
(ii) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
(iii) security and utility deposits; and
(iv) such additional expenses as the Secretary determines necessary.
(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subparagraph (A). The Secretary may—
(i) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
(ii) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
(iii) security and utility deposits; and
(iv) such additional expenses as the Secretary determines necessary.
(2) TERMINATION OF ASSISTANCE.—Assis
tance provided under this paragraph shall—
(i) terminate on the date on which such assistance was received; and
(ii) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
(2) ASSISTANCE FOR CURRENT VOUCHER RECI
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(i) waive any of the requirements described in clauses (i) through (vi) of paragraph (2)(E) for
any individual or family receiving assistance under this section.
(ii) extend for an additional 6 months unless at that time the Secretary makes a determina
tion that no further assistance under this paragraph is needed.
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(iv) such additional expenses as the Secretary determines necessary.
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(iv) such additional expenses as the Secretary determines necessary.
emergency and the great need. Families coming out of the gulf coast are in effect living wherever they can find a roof over their heads, with relatives, with friends, with caring strangers who have volunteered to take them in, in shelters—forexample, Houston opened up the Astrodome—on cruise ships or in tents. It is fair to say if one stops and thinks about this for a moment it is, at best, a temporary housing situation.

The hundreds of thousands of displaced families need to have access to stable housing so they can send their kids to school, start pulling their lives back together again, which is, of course, a pressing challenge, seek employment and chart out a future for themselves.

This amendment, recognizing the overwhelming need for stable housing, proposes an emergency housing voucher program. So it would give them temporary rental assistance to more than 350,000 displaced families. It eliminates—I should say more accurately suspends for a limited period of time—requirements and restrictions that ordinarily apply to the housing voucher program. For example, any person or family displaced as a result of Hurricane Katrina would be eligible to receive this much needed assistance. They could get a temporary housing voucher. This is without regard to their income situation. It recognizes the storm hit rich and poor alike and this is an effort to give them some immediate, short-term help so they could move out of the situation in which they find themselves.

The temporary rental vouchers would quickly and efficiently move families into stable housing across the country in the communities to which they have relocated. So it would provide temporary rental assistance to more than 350,000 displaced families. It eliminates—I should say more accurately suspends for a limited period of time—requirements and restrictions that ordinarily apply to the housing voucher program. For example, any person or family displaced as a result of Hurricane Katrina would be eligible to receive this much needed assistance. They could get a temporary housing voucher. This is without regard to their income situation. It recognizes the storm hit rich and poor alike and this is an effort to give them some immediate, short-term help so they could move out of the situation in which they find themselves.

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emergency situation, and people do need to move to stable housing.

Then there are those people who did evacuate. They might be of modest means, they might be of middle-class means, but they have been living in hotels along the waterfront, they have been living off of their credit cards. They are now out of money, they are out of gas, and they wonder what to do next. They need to be able to move into housing. Also, in order to be able to get a job, you need an address. In order to get a benefit, you need an address.

Then there is the third group of people who have been embraced by churches, who are living maybe with strangers or even living with relatives. But for many people, their relatives are also on a tight budget, living on a shoestring or a small pocketbook. We have had generosity of spirit, generosity of heart, and even generosity of wallet. But that is limited until people can move out of unstable housing.

In this case, as someone who once was an appropriator for HUD, we need so-called housing vouchers, known as Section 8, for either the poor or the elderly. Because of what has happened, everyone is stretched to the limit, with no income. They need help. I believe this program offers both the reimbursement—the voucher—and also enough constraints so that it is not a lavish giveaway program.

The point I also want to make is that housing is really limited, even temporary housing. My colleague, Senator SARBANES, has spoken about FEMA and its trailers. We know about FEMA and its trailers because we were hit by Hurricane Isabel. We were absolutely grateful for them. But when I heard the FEMA trailers were coming to the Eastern Shore or Bailey’s Quarters or to Miller Island, I thought they were trailers—almost a version of a manufactured home. I went to see them and meet with the people in them, they were campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers.
And he died in her presence.

as he pleaded for needed medication.

struggling. They heard tales of children who died of dehydration and heat exhaustion.

The hurricane that struck New Orleans on August 29 was a force of nature. But the damage and the disaster that followed was compounded by a failure of leadership.

Since the President and the President's team have already mishandled this crisis so much already, I urge my colleagues to roll up our sleeves and follow the lead of Senator LANDRIEU, with Senator VITTER, Senator LOTT, Senator COCHRAN, as we craft a plan for recovery for these devastated communities.

We have a moral obligation to rebuild and not just buildings and marksmen but homes and communities, schools in every community, regardless of class or color.

One of our Republican colleagues said something this past weekend, in talking about the people who were suffering so much in the gulf area:

You have people who don't heed those warnings and they put people at risk as a result of not heeding those warnings.

He further said there is a need to look at tougher penalties on those who decide to risk it and understand there are consequences for not leaving; to administer more punishment to these people who did not heed the warning, who did not want to leave their homes, who did not heed their familiar territory, who did not want to leave a relative, perhaps; to put more punishment on them, suggesting that losing a child, losing a home, losing moments, or losing a history is not enough. We should punish them further?

A Senator suggested that. What an outrage. Yes, he yielded later and said he might have been misunderstood. Read that Senator's words.

We have to learn from this terrible tragedy. The country certainly is alert to the risks we face from terror, from human-initiated attack. In the State of New Jersey we lost 700 people; New York, almost 2,000. We learned a lot. We learned we have to protect ourselves. It appears the number of dead in Louisiana and Mississippi is going to exceed the number, as terrible as it was, of September 11. So we have to prepare ourselves in some way to deal with that problem just as ardent, just as thoroughly, as we fight terrorism.

We need to pass legislation as soon as possible. I hope we will not be delayed in doing that by recriminations from those who would pass the buck elsewhere, away from the place the responsibility belongs.

We need to tell the Gulf Coast community that we believe in them, that the road to recovery is being built, and that we will then proceed to examine the history of what got us there. People understood in many quarters the levees were weak. The question arises about what we did to shore them up. I hope that examination will take place in the immediate future.

I salute those people who have endured the most unimaginable tragedy—have loved ones swept away by flood waters, to have memories taken away. In lots of places it was not just the housing but the memorabilia, the trinkets of childhood, childhood memories, raising kids, and seeing it disappear. We have to be stronger. We have to be more leaderly. We cannot be AWOL when trouble strikes. I hope we will work together on a bipartisan basis, as they said, to do the right thing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be resubmitted.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator GRAHAM, and Senator STABENOW.

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

AMENDMENT NO. 165

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator GRAHAM, and Senator STABENOW.

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

The amendment is as follows:

(Purpose: To prohibit weakening any law that provides safeguards from unfair foreign trade practices)

On page 190, between lines 14 and 15, insert the following:

SJC. 522. None of the funds appropriated or otherwise made available by this Act may be negotiated or entered into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and anti-dumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair foreign trade practices (title III of the Tariff Act of 2005 CONGRESSIONAL RECORD — SENATE

Mr. DORGAN. Mr. President, this is an amendment that is relatively simple. It would prohibit funding in this bill for trade negotiators to enter into any agreement that would weaken U.S. trade laws, such as antidumping laws and countervailing duty laws. Let me describe why these are important.

We have provisions in our law that establish a level of protection for American industries if some foreign company or foreign country decides to dump products into our country at artificially low prices in order to capture a market or destroy an industry. These are the antidumping laws. We also have laws that provide for the opportunity to apply countervailing duties on products that come into this country that are unfairly subsidized and attempt to undercut American businesses.

What is this amendment? Because we have U.S. negotiators who are engaged in WTO negotiations who are saying that everything is on the table; we are willing to negotiate away the protections that exist for fair trade for American businesses, American jobs, and American industries. We have the highest trade deficit in the history of this country. We have massive numbers of American jobs moving overseas every single day. American companies are closing their business here and American jobs are moving overseas.

I have told the story repeatedly—and I will not tell it in great depth again—about Huffy bicycles. They used to be an American company. No longer. Huffy bikes are now made in China. Those proud workers in America made $11 an hour plus benefits. They all got fired. Were they bad workers? No. That company makes Huffy bicycles in China now and pays 33 cents an hour. Work 12 hours a day, and then they ship the product to Los Angeles, Detroit, Fargo, or Mobile. Meanwhile, who is going to buy these products when American jobs have been lost, American workers are told they are no longer affordable, their jobs are gone? Little Red Wagon Radio Flyer, we all rode in that Little Red Wagon when we were kids. For 100 years that company produced bicycles in this country, and now it is all gone. So it can be produced more cheaply, less expensively by hiring workers who will work for pennies an hour.

As we engage in new trade negotiations, which threaten to once again pull the rug out from under American workers and American businesses, this amendment is very simple: We will not allow the funding we have approved in this appropriations bill to be used to weaken our trade laws.

The United States-China Commission, a bipartisan commission established by Congress, sent us a letter August 1, 2005, that warned that the proposals that our trade negotiators are discussing with respect to antidumping and countervailing duties “could severely limit our ability to protect our economic interests.” That is from the United States-China Commission, a bipartisan commission.

The Commission reiterated the proposal for penalties and by foreign negotiators “could have substantial impact on our nation’s ability to utilize our trade laws and ensure that American farmers, workers, and businesses have the tools they need to respond to unfair and predatory foreign trade practices.”

So the question for us is, Are we going to do anything about that? I hope the answer is, yes. I hope the answer is to say to our trade negotiators that we understand that foreign negotiators are proposing to weaken our trade laws. Our trade negotiators must have the backbone and the will to stand up for our economic interests, and I hope the answer is, yes. I have not been willing to do for a long time.

I offer this amendment, which is a prohibition on funding. It is germane, and I hope to have a vote on it when we have had a proper amount of time to discuss it.

One final point. I intend to offer another amendment which I cannot offer at this moment. It is an amendment that I will offer to other appropriations bills as well if it is not acceptable here, and that is to establish a Truman-type committee to investigate the waste, fraud, and abuse in contracting that is going on in the Middle East, particularly in Iraq. I have described the conditions of Halliburton and other companies that have been given billions of dollars, have wasted a substantial amount of money, are now under criminal investigation, and are given a slap on the wrist and a pat on the back and more money and nobody seems to care.

I will ask that the Senate at some point decide that there ought to be oversight on what is happening to the taxpayers’ money. I will offer that amendment tomorrow. I have offered this amendment today for its consideration, and I hope that as we go along that we will be able to get a vote on this amendment.
I met a young lady who asked me that night what about her grandfather’s Social Security check? They were from New Orleans. They left the New Orleans area. They had come up here. They were expecting to go back. I knew what she was saying. She was saying that they had no money. I called Wallace Davis of the Volunteers of America, a great organization in the Mobile area, and he really came through. I asked him to do what he could, and he immediately went into action. He brought some of his own money.

He said: I have money. I am telling you I have seen hurricanes before, and some people just need a little cash.

They gave them a little cash, and I saw her the next morning and she was a new person. That would allow them to grind on and maybe stay with them and get gasoline or food in that fashion.

So I want to say this: Many of the homes there are lost. On the east end of Dauphin Island, which is a sizable barrier island with a great many beachfront homes on it, one-third of the homes are completely gone, one-third badly damaged, and one-third somewhat damaged. On the west end, the percentage of homes lost was even greater. The homes that were for many years on beautiful Mobile Bay around Point Clear and the Grand Hotel, homes that had not flooded before, flooded because of this surge of water. Homes that were built up high in recent years under hurricane restrictions did not flood, but many of those old homes suffered a good deal of damage.

I just say that to point out that, without a doubt, we are going to have to spend more on this hurricane than we have ever spent before. People need us now. Many of these people I have talked with and I met were working in the schools, but the children were not living on the beach. People on the beaches, for the most part, have a second home. They have insurance. Maybe they can get by, although they are going to take a big hit. But these people were hurting, and hurting badly. We are going to need to step it up.

When I see the damage from the incredible force of this hurricane on the Mississippi coast, our neighbors, and then in New Orleans with this incredible levee break and the floods there, I know we are in for a big job.

I served as a U.S. attorney for 12 years. I had the responsibility, even as an assistant U.S. attorney in the 1970s after Camille, to survey the aftermath. I had to report on the people for fraud, theft, and stolen Hurricane清理.

When this much money gets put out this fast, there is a real danger of mischief.

I have been in the Senate long enough to get a feel for things. I believe that even now in a bit of a hurricane mode; that all of Congress is—even maybe the White House—and that mode is that we do not need to be too careful. We need to get money out fast, and we need to pour it in there, and if we need 50,000 troops, let us send 70,000 to make sure.

Now we are seeing figures that it is going to cost $200 billion to complete Word Construction and to pay for clean up. We know there is no money to pay for this. It is not coming out of our regular budget. That is not the plan. It will come in an emergency supplemental appropriation bill, and that means it will be added straight to the national debt, and the children who will pay it, plus the interest that accumulates on it.

So I think this Congress is doing the right thing in moving forward rapidly, but I think our majority leader, our appropriations leaders, our House leadership, and the President also need to be thinking about how to spend the money responsibly. Trust me, there will be abuses. People think we can just send our military to the region, here. We will send children and they will be paid for it by somebody. They ought to be paid for some of that.

Governor Riley, in Alabama, has said that we will take any schoolchild who is in our State but cannot go home. We will take them. We will put them in a school somewhere in Alabama. Our community colleges have said that, no matter what, we will take you. If you don't have tuition right now, we will still take you away.

Governor Riley today in Alabama is sending whatever people are making contributions and I think that is important. But $1 billion is a lot of money. We probably have less than 5,000 homes seriously damaged in our area. Maybe it is 4,000 in the Bayou La Batre area, or maybe less. If you gave me $1 billion, I could build 10,000 new houses worth $100,000 each. One billion dollars is a lot of money. A billion dollars is a thousand million.

But, now we are going to be in a big rush. FEMA is going to pay people who did not have flood insurance. Most of them should have gotten it. They should have, but they will still qualify under the grant program and can receive up to a maximum—all of them would not get this much—up to a maximum of $26,000. I asked FEMA's Mr. Burns today if he discussed with the Senators how much it would be, and he said the maximum would be up to $26,000. That would include, I think, the $2,000 that some received today. So it would be $28,000. Only given to someone who already received the money.

I said, when do you pay it? Apparently, we are already beginning to pay...
We have towns and communities that are badly hurt. They have lost sales tax revenues and now they are going to be fighting for every dime they can get. They are going to be pushing the rules and regulations to the breaking point and beyond. We are going to have Congressmen and Congresswomen coming in here with stories that say: Forget the rules, send out the money. We all know that is going to happen. But I don't think the people of my State want us to waste any money.

The people want to help people in need. They want to be generous. They expect this Government to respond, and respond quickly, to take care of people whose lives are at risk.

The people of my State know that this is bigger than we have ever seen before. They know that anyone can make mistakes and that you cannot anticipate certain things. They want the government to constantly get better and improve our response. But they don't want us wasting money. They don't want us throwing money at a problem that we have not thought through carefully. They want us to be careful with their money.

In fact, if we can get a lot more done for a lot more communities. At this point I am not at liberty to explain to you what I think ought to be done. I am not able to. I don't know what ought to be done and how, precisely, the money should be spent. We have spent our money there in the aftermath of hurricane cleanups, and I am telling you, it is a difficult thing to keep control of. The government will spend your money before you know what happened to it.

That has happened before when there was a far smaller area of devastation than we have today. FEMA is going to be stretched from Louisiana to the Florida line. We have more people involved here than almost any hurricane ever, and the extent of the disaster is larger than ever. It is going to be even more difficult to monitor this recovery carefully. Some things are not going to be able to be done as fast as we would like to see them done. But if we do it right, I think we can meet the needs of our people, be generous to the American people, and also maintain the rule of law as we go forward.

There are some special things that are going to be needed to be done. I talked to Senator Shelby and Congressman Bonner last week. They have some ideas about how, precisely, the money should be spent. But I don't have them. I don't have them at this time. But I plan to do it. If we can't do it, I want him to tell me, and you can come explain to me why you didn't do it. That is all it takes. Things will start work better.

Anyway, I am hoping something like that can come about because this is so massive and the potential for fraud and abuse is so great we are going to have to watch it.
Also, people are not whining, not the people I have talked to. They know this was a storm that nobody caused. They know it is a difficult time. They are thankful for the assistance they have received from their neighbors, and they are not complaining about the situation. It has made me proud to represent them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1609
Mr. SUNUNU. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of offering an amendment.

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

Mr. SUNUNU. Mr. President, I ask for consideration of an amendment that I had earlier sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] PROPOSES AN AMENDMENT NUMBERED 1609.

Mr. SUNUNU. 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 increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence)

On page 131, line 14, strike "$15,000,000" and insert "$30,000,000".

On page 134, between lines 4 and 5, strike "$170,000,000" and insert "$230,582,000".

On page 134, between lines 4 and 5, strike "$30,000,000" and insert "$48,418,000".

On page 156, strike lines 3 through 7 and insert the following:

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On page 156, line 14, strike "$15,000,000" and insert "$30,000,000".
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In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology: $46,000,000, to remain available until expended.

Mr. SUNUNU. Mr. President, I offer an amendment today to make some changes in the funding allocations that are found in this bill. I very much appreciate the work of the subcommittee chairman and the ranking member. I know, having served on the Appropriations Committee in the House, it is not an easy task. You are asked to set a lot of priorities, to make a lot of decisions about how to spend public money. It is not an easy task, but the purpose of bringing the bill to the floor is to give us an opportunity to adjust those priorities. I attempt to do so in this amendment in a couple of ways.

In this amendment I increase the funding in two general areas: first, in the area of border security and prosecution of illegal aliens who have committed crimes. This is an area that I think many people would say is in crisis right now, the problem with securing our borders of illegal aliens, and specifically the problem of dealing with the costs associated with illegal aliens who are committing crimes, violent crimes and otherwise. In this amendment I increase funding for the Criminal Alien Assistance Program by $60 million. It is still well short of the funding that has been provided in the companion bill in the House.

But it is an increase which I think will be well used. It deals in the area of illegal immigration and criminal alien assistance that I think most everyone agrees is in a crisis situation now with the state of emergency having been declared in parts of the Southwest to deal with this type of problem.

Similarly, this amendment increases funding by $18 million for the Southwestern Border Initiative that deals with prosecution, helping our Southwestern States deal with the costs associated with prosecuting aliens that have committed crimes against the laws of those States and the Federal Government.

It brings that level of funding up to the President’s level. I think the President’s request here in this area was well warranted, given how much attention has been given to the problem of illegal aliens in recent years. This increases funding in this critical area by $78 million.

My amendment also provides additional funding of $50 million to transitional housing for women who have been exposed to domestic violence. This is a relatively new program. It is authorized at $30 million per year. The bill appropriates only $15 million, I would increase that to $30 million for this transitional housing program, which is part of the programs authorized under the Violence Against Women Act. Transitional housing is critical. It meets the needs of those who require emergency shelter services or crisis intervention. There is no other program funded by the Federal Government that provides transitional housing solely for victims of domestic violence and assault. This is not typically the case in the Federal Government. There are no other sources of funding, and we ought to provide funding at the authorized level.

In the State of New Hampshire, there are 12 emergency shelters for battered women. The average length of stay is about 27 nights.

Therein lies the immediate need for transitional housing. I think that is a story that is repeated in parts of the country.

I think it is not only a worthwhile area but an area in need of funds, an area where there are no other programs at the Federal Government level for meeting this need.

Finally, these are funds, resources, public funding that are going to private companies, many of which are very profitable and very successful. We shouldn’t have an industrial policy at the Federal level that provides unnecessary subsidies to private corporations.

I think we can do better. We can find better areas in which to allocate these resources—dealing with illegal immigration, crimes committed by illegal aliens, and transitional housing for those affected by domestic violence.

Those are certainly priorities that are much more significant, much more valuable, much more appropriate than a project that subsidizes private companies.

The final point about the Advanced Technology Program: It has been allocated at over $100 million, $150 million to $200 million, depending on how far back in time you go.

I simply ask my colleagues to consider, if they were at a company, say, that was developing microprocessors, and one of their competitors was being given a subsidy by the Federal Government to do the same thing, would you think that was fair? If you were developing heating equipment and one of your competitors was being given a product development subsidy by the Federal Government, would you think that was fair?

This supports the marketplace. It is simply not a good use of taxpayer money, but we only scale it back to the extent that all current obligations continue to be met.
which the original appointment was made. The Commission shall not affect its powers, members. Six members of the Commission may be concurrent and (4) DEADLINE FOR APPOINTMENT. All members of the Commission shall be appointed within 10 days of the date on which the President transmits a nomination to the Senate. No more than 5 members of the Commission may be appointed by the same political party. (b) QUALIFICATIONS; INITIAL MEETING. (1) POLITICAL PARTY AFFILIATION. No more than 5 members of the Commission shall be appointed by the same political party. (2) NONGOVERNMENTAL APPOINTEES. An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government. (3) OTHER QUALIFICATIONS. It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, catastrophic planning and response, intergovernmental resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency management experience. (4) DEADLINE FOR APPOINTMENT. All members of the Commission shall be appointed on or before October 1, 2005. (5) DUTIES. The Commission shall meet and begin the operations of the Commission as soon as practicable. (c) QUORUM; VACANCIES. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

At the appropriate place, insert the following:

TITLE—KATRINA COMMISSION

SEC. 02. COMPOSITION OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

(a) MEMBERS. The Commission shall be composed of 10 members, of whom—

(1) one member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) one member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, and shall serve as vice chairman of the Commission;

(3) two members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) two members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.

(A) POLITICAL PARTY AFFILIATION. Not more than 5 members of the Commission shall be appointed by the same political party. (B) NONGOVERNMENTAL APPOINTEES. An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government. (C) OTHER QUALIFICATIONS. It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, catastrophic planning and response, intergovernmental resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency management experience.

(4) DEADLINE FOR APPOINTMENT. All members of the Commission shall be appointed on or before October 1, 2005.

(c) QUORUM; VACANCIES. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

At the appropriate place, insert the following:

TITLE—KATRINA COMMISSION

SEC. 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies, including Federal, State, and local governments, and nongovernmental entities, relative to detection, planning, coordination, planning for, and responding to catastrophic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning for, and arrangements, procedures, rules, and regulations.

SEC. 05. POWERS OF COMMISSION.

(a) IN GENERAL. (1) HEARINGS AND EVIDENCE. The Commission, or any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, maps, papers, and other relevant materials, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—(2) A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(B) ENFORCEMENT.—

(1) IN GENERAL. In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may, on motion of the person or his attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States were the complaining party, issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(1) ADDITIONAL ENFORCEMENT. In the case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States were the complaining party.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.
(1) In General.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, and such detailed shall retain the rights, status, and privileges of his or her regular employment by the Commission, and any personnel of the Commission who are designated by a majority of the Commission.

(2) Receipt, Handling, Storage, and Dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(3) Assistance from Federal Agencies.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(4) Other Departments and Agencies.—In addition to the assistance prescribed in paragraphs (1) through (3), the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required by this title.

(e) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 07. STAFF OF COMMISSION.

(a) In General.—(1) Appointment and Compensation.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint such people and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(b) Compensation of Staff Director.—(1) In General.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) Administrative Activities Report Termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 11. FUNDING.

(a) Establishment of Appropriation of Funds.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funds may be used—

(1) for emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

SEC. 01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has assumed continued responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) The illegal and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a threat to the effective performance of the traditional oversight function of Congress, and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly known as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. 03. PURPOSE AND DUTIES.

(a) Purpose.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) Duties.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole source contracts and limited competition or noncompetitive contracts; and

(3) oversight under large, comprehensive contracts;
(5) consequences of cost-plus and fixed price contracting;
(6) allegations of wasteful and fraudulent practices;
(7) accountability of contractors and Government officials involved in procurement and contracting;
(8) penalties for violations of law and abuses of the awarding and performance of Government contracts; and
(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) MAINTENANCE OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties and functions, the Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracting or other agreements, and any contract or spending covered by subsection (c).

SEC. 04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—
(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate from whom—
(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate;
(B) 3 members shall be appointed by the minority leader of the Senate.
(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, and any such person to whom—
(1) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—
(a) Initial Report.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is in recess shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—
(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personal as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(b) APPOINTMENT OF STAFF.—
(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.
(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.
(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of the ranking member.

(c) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the payment of all expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(e) APPOINTMENT OF STAFF.—
(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.
(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.
(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

SEC. 09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. 10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or payment made by the Coalition Provisional Authority should be considered a claim against the United States Government.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the roll for the quorum call be dispensed with.

The PRESIDING OFFICIAL. Without objection, it is so ordered.
Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

**HURRICANE KATRINA**

Mr. REED. Mr. President, I want to join my colleagues and all Americans in offering my condolences and my prayers to the residents of the Gulf region. These families have suffered grievously. They have lost all of their possessions. They are without homes, without power, without water. There seems to be a great deal of support and consideration, and, indeed, as I say again, all our prayers.

As news reports show, there are heroes throughout the Gulf—those who helped neighbors survive the hurricane and those who continue to work in the region to help reunite families and restore order.

Americans throughout the Nation are acclaiming their homes to hurricane survivors and volunteering their time and resources to meet the needs of evacuees. But while this disaster shows the best that America can offer, it also shows the worst. It shows that the Federal bureaucracy is ill prepared to respond to a natural catastrophe that we knew was possible. It shows the Federal bureaucracy ill prepared to respond to future potential disasters.

It shows a government so tied up in red tape that it is not serving its people as it should.

In the days, weeks, and months ahead, we will be investigating what went wrong, and there will be plenty of blame to pass around, but we cannot blame the victims of this tragedy as some have chosen to do. Many families in the Gulf region did not have the resources or means to leave before Hurricane Katrina struck because this administration ignored what had to be done to ensure the safety of its people.

Our primary focus must be on getting rid of the red tape and getting aid and assistance to those displaced by Hurricane Katrina. But we must also begin to ask how did this happen. The only way to do that effectively and apologetically is to have an independent commission to investigate the long-term impact of Hurricane Katrina on the people of the Gulf region and on our Federal Government’s response to this disaster as well as our ability to respond to future events.

Our primary focus must be on getting rid of the red tape and getting aid and assistance to those displaced by Hurricane Katrina. But we must also begin to ask how did this happen. The only way to do that effectively and apologetically is to have an independent commission to investigate the long-term impact of Hurricane Katrina on the people of the Gulf region and on our Federal Government’s response to this disaster as well as our ability to respond to future events. The bicameral commission announced yesterday by the Majority Leader and the Speaker is not the answer. Having the President head up a task force to investigate his Administration’s response is not sufficient. The only way the people of the Gulf region and the people of America will get the answers that they deserve is through an independent commission.

I also support efforts to restore the Federal Emergency Management Agency (FEMA), to an independent, cabinet-level agency to ensure its effectiveness in preparing for and responding to these types of events. FEMA’s director must have the qualifications and abilities to plan for, respond to, and assist in the recovery after such an emergency. We must do better.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. Neighborhoods that were once homes are now wastelands, and people are concerned their lives may never be the same. The economic impacts are being felt by low-income and working American families throughout the nation. Indeed, there is an imminent emergency confronting millions of low-income Americans caused by soaring energy cost and diminishing affordability of home heating fuel as winter approaches. The administration cannot ignore this looming crisis, The administration must create an emergency funding for the Low Income Home Energy Assistance Program so that these families can remain safe this winter. I also encourage the administration, and my colleagues, to support greater investment in energy conservation programs such as the Weatherization Assistance Program and the State Energy Program to help families.

In one way, Hurricane Katrina holds parallels to other situations. We could have anticipated this phenomenon. The reports of the class V hurricane were available to all Federal officials, State officials, and local officials. We knew the levees in New Orleans were not designed to withstand storms more than a class III. Yet we were not ready. This administration ignored what should have been obvious. We had to be ready for a severe hurricane with devastating consequences in New Orleans. This administration failed.

This also speaks to what may happen in the future. This should give Americans pause if they think about another natural disaster and, God forbid, perhaps an intentional mass-casualty effect in the United States. If we bring this same level of expertise and skill and insight, then we surely will see another major disaster on our hands. I hope we do not. That is why it is important to look carefully and closely at what transpired and to do so through an independent commission. I hope we learn from this and apply it to the future, but most particularly, I hope we give real, immediate, and effective support to hundreds of thousands, perhaps even a million Americans who tonight still endure the devastation of Hurricane Katrina.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from California.

**MRS. FEINSTEIN.** Mr. President, I rise to engage in a colloquy with the
chairman and ranking member of the Subcommittee on Commerce, Justice and Science on funding for SCAAP, the State Criminal Alien Assistance Program. I also understand my colleague from Texas, Senator Hutchison, would also like to discuss the importance of this program to her State.

I begin by thanking the chairman, Chairman Shelby, and the ranking member, Senator Mikulski, for including $200 million in funding for this program, with a carve-out of $30 million for the Border Patrol’s Border Presence Program. That is good. The problem is, it is not enough. With the rising costs associated with criminal alien incarceration, I had hoped the Senate would see fit to increase the funding for this program over last year’s allocation of $305 million. Instead, it is down to $200 million, with $30 million reserved for the prosecutor’s program.

Immigration policy and control of our borders is an exclusively Federal responsibility, as we know this. Yet in our State prisons and our county jails, there is an incurrence of very heavy costs in incarcerating undocumented criminal aliens. Taxpayers should not have to foot the bill for incarcerating illegals and convicts of criminal offenses who are in State and local jails.

There is a growing belief among many in this country that the immigration situation is out of control. This year, the Pew Hispanic Center released a study which shows that between 2000 and 2004, approximately 3.1 million individuals entered the country without proper authorization. That is approximately 700,000 a year. Compare that to the fact that in 2003, Border Patrol agents apprehended somewhat over 1 million individuals seeking to enter the country illegally. It is said that for every one individual caught, three more enter illegally. If that is the case, nearly 3 million seek to enter the country illegally in a given year.

The costs borne by our local educators, our hospitals, and our law enforcement officials. Let me use California as an example. This is based on a comprehensive study conducted by the Department of Finance. They estimate—and this goes back to costs in 1994–1995—$400 million for corrections for 23,000 individuals; $400 million for 390,000 patients; and $1.7 billion for K–12 education. That is a total of $2.5 billion.

Mr. REID. Will the Senator yield?

Mrs. FEINSTEIN. Certainly.

Mr. REID. We have a unanimous consent request to be offered on the emergency supplemental. We will return as soon as this is offered.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3673

Mr. FRIST. We will be very brief. I appreciate the consideration of the distinguished Senator from California.

Mr. REID. I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3673, the supplemental appropriations bill from the House, with 90 minutes of debate equally divided, with 30 minutes from the majority side under the control of Senator Coburn, with no amendments being in order. I further ask consent that following the use or yield of the time, the bill be referred to the Senate for a vote on passage without any intervening action or debate.

Let me modify this. We will proceed to the immediate consideration of H.R. 3673 immediately following the statement by the Senator from California and the Senator from Texas.

Mr. REID. Reserving the right to object, I am wondering if the two distinguished Senators from California and Texas could give us an indication—there are Members wanting to know when we will vote—as to how much time they will require.

Mrs. FEINSTEIN. I have a very short time. We will wrap this up in 10 minutes.

Mrs. HUTCHISON. I am happy for you to start the time running right now and give us the first 5 minutes to finish this comment.

Mr. REID. Mr. President, if I could, on the Democratic side the time will be divided in the following manner: Senator Byrd, 15 minutes; Senator Reid of Nevada, 10 minutes; Senator Kennedy, 5 minutes; Senator Durbin, 5 minutes; and Senator Clinton, 10 minutes. That uses our 45 minutes.

Mr. FRIST. Mr. President, I ask the unanimous consent request as proposed follow the completion of the statement by the Senator from California and the Senator from Texas.

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

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader and the Democratic leader.

To give a couple of recent statistics, the General Accountability Office conducted a study of those criminal aliens incarcerated in Federal, State, and local prisons. They found the following regarding State jails: In fiscal year 2003, 47 States received reimbursement for incarcerating 74,000 criminal aliens. Four States alone spent a total of $1.6 billion in fiscal years 2002 and 2003 to incarcerate criminal aliens. Yet they were only reimbursed $233 million through this program. That is only 15 percent of the total spent by these States. So the Government is only reimbursing States 15 percent of what they actually spend on incarceration costs. That is local costs, that is State costs.

I can go on, but I want my colleagues to understand that the diversion of dollars from agencies such as the Los Angeles County Sheriff’s Department to house criminal aliens has real operational impact on their law enforcement activities—fighting drugs, street gangs, and other pressing law enforcement operations.

On March 17 of this year, the Senate agreed to a sense-of-the-Senate amendment to the budget resolution that SCAAP should be appropriated at a level of $750 million. While I recognize we cannot reach that number, the House bill does provide $605 million for this program. As this bill moves forward, I hope we will agree to the House funding level in conference. I ask the chairman and the ranking member to work with us on this issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my good friend and colleague from California, Senator Feinstein, for bringing this issue forward again. She has been dedicated to SCAAP funding.

I want to also mention Senator Jon Kyl from Arizona who has always stepped in when we had an appropriation bill to make sure our States got some reimbursement for their costs of incarcerating illegal aliens. Unfortunately, as Senator Feinstein has said, we have more and more illegal aliens coming into our country and, unfortunately, committing crimes.

This is a Federal responsibility. The counties along the border States should not have to foot this bill. Federal responsibility. Incarcerating illegal aliens for criminal activities is absolutely a Federal responsibility. So I join my colleague, Senator Feinstein, in urging the chairman and ranking member of this subcommittee to accept the House position when we go to conference. Mr. President, $200 million does not cover a 10th of the cost to the border States in reimbursing them for the incarceration of criminal aliens. And $600 million goes a much longer way. I think it is a minimum.

All of us realize that illegal immigration must be stopped in our country. We must know who is in our country for security purposes, and we must be able to deport or incarcerate people who are here illegally and commit crimes in our country.

I hope the committee chairman and ranking member will work with us to increase the number from the Senate position of $200 million to the House position of $400 million, at a minimum. I thank the Senator from California for bringing this forward once again.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas. I also acknowledge as well Senator Kyl’s work in this area. It seems to me those of us from the Southwest or whose borders are in the Southwest have been beating this drum year after year. Sometimes we make a little bit of progress, but very often we do not. This is a very bad year in terms of the amount and the need.

So I thank the distinguished chairman of the Military Construction Subcommittee. I always appreciate working with her, and this is one more instance of that.

Mr. President, I yield the floor.
MAKING FURTHER EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will consider H.R. 3673, which the clerk will report by title.

The legislative clerk read as follows:

A bill to continue emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I yield myself time as necessary for my statement.

Mr. President, we do turn to the second supplemental—the second supplemental in a week and a half—to address the natural disaster we have watched unfold, and that has literally engulfed in several ways, which is continuing now with both continued recovery and people settling around this country.

Yesterday, Speaker Hastert and I announced the formation of a bicameral and bipartisan committee to analyze and conduct a real top-to-bottom investigation of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. They will report their findings no later than February 15.

The review will look at the emergency plans that were in place at the local, State, and Federal levels, and they will assess how the local, State, and Federal governments actually responded.

It is clear that in some places the response was simply unacceptable at all levels of breakdown in systems. I saw it this weekend firsthand as a medical volunteer: too little command-and-control structure, too little communication. America deserves better. America deserves answers. The Senate must do all it can—and we are doing all we can right now—to provide immediate relief for the hundreds of thousands of people stranded and shattered by last week's events.

We urgently need to pass a second disaster relief supplemental, and we will do that tonight, with no amendments, no delay. It is absolutely critical.

Last Thursday's $10.5 billion emergency package has been drawn down to $7 billion tonight, all of the money will have been spent.

And it is good. It shows a positive, rapid, quick response on behalf of our Federal Government. But it means we must act; thus this supplemental bill we are voting on here in about 90 minutes.

If we were to fail to act, every relief that is going on right this very moment, every search-and-rescue operation, all of the emergency food that is being delivered, and the shelter that is being provided, and the medical care that is being extended, will be without money when the sun rises tomorrow.

The administration has requested $51.8 billion in this supplemental. That breaks down to $50 billion for FEMA, $1.4 billion for the Defense Department, and $400 million for the Army Corps of Engineers.

We need to pass this bill and get it to the President for his signature tonight. Tens of thousands of volunteers, relief workers, law enforcement and military personnel are working right now, this very minute, to provide aid, rescue, and recovery.

National guardsmen are going block by submerged block to carry out their rescues.

The Army Corps of Engineers is hard at work pumping the floodwaters out of New Orleans. The water level, happily, has already gone down by 40 percent. They estimate it will take another 2½ months to completely drain the city.

Right now, 60,000 U.S. military forces are on the ground in Alabama, Louisiana, Mississippi, and Texas; standing there; standing tall; standing tall; standing there; standing tall. They are providing extensive search and rescue, evacuation, and medical support.

Twenty-seven Navy and Coast Guard ships are stationed off the Gulf coast; providing supplies and medical treatment.

FEMA is working around the clock to find temporary homes for the thousands of displaced families. They are exhausting every option, including military bases, cruise ships, emergency trailers, vacant properties, and motels. All of these efforts are underway, and they must continue. The lives of hundreds of thousands of people are at stake.

Meanwhile, there is still a lot of work to do, and we are working around the clock to do it here in the Senate.

Today, we began consideration of the Commerce, Justice, Science appropriations bill, which includes critical support for the Federal Emergency Management Agency for critical equipment such as satellite phones, which are especially critical right now where communication is spotty and, in places, where sometimes communication is even nonexistent.

The Commerce bill also supports the National Oceanic and Atmospheric Administration, NOAA. NOAA is responsible, as we all know, for researching, forecasting, monitoring, and warning the public of hurricanes such as Hurricane Katrina.

Clearly, we need to pass this bill. We also need to cut the red tape and bureaucracy that gets in the way of helping people, the red tape and bureaucracy we have heard again and again slowing the response at every level.

In the coming days and weeks we will take up legislation that streamlines the system and gets help to the people who need it on time, efficiently and quickly.

As we have seen over the past 12 days, America is a compassionate, generous Nation. People from all over have poured out their hearts, time, and resources to help their neighbors on the gulf coast. Private citizens and businesses have donated hundreds of millions of dollars. Religious organizations and faith-based organizations are on the front lines every day working valiantly to provide material and spiritual assistance.

Here in the Senate, we cleared a resolution last night allowing noncash Katrina assistance to be solicited and donated among our Senate employees.

Americans from all across this country and in all walks of life are offering hope and love and compassion. It is a testament to our Nation's strength and to our historic bond as citizens, as Americans.

Hurricane Katrina now stands as the worst natural disaster in our Nation's history. It is a tragedy of epic proportions, the most widespread destruction in my State from a single natural disaster.

The gulf coast will recover and rebuild and emerge more modern and more prosperous than ever. It is going to be a massive effort. It will take all of our strength and all of our determination. But this is America, and in America no challenge is too great. We rebuilt Chicago. We rebuilt San Francisco. New Orleans, Biloxi, Mobile, and the entire coast will rise again bigger, stronger, and better than ever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators are aware that the bill that has come over from the House carries additional appropriations for the Department of Homeland Security for disaster relief in the amount of $50 billion; and for the Department of Defense, $1.4 billion; for the Department of Commerce, $400 million.

The House has adopted this measure, and now we are hopeful the Senate will act tonight so these funds will be made available immediately to the agencies that are carrying out the disaster relief efforts in the States affected by Hurricane Katrina.

This is a destructive force of monumental proportions, the most widespread destruction in my State from a single natural disaster in all of our history. The relief being provided now by the Federal Government agencies is very meaningful and deeply appreciated. So are the voluntary contributions that are being made by Americans who are freely, and in a heartfelt way, giving what they can to help those who are less fortunate.

Senators are volunteering personal assistance. The Senator from Illinois, BARACK OBAMA, is organizing a team of doctors to come to Mississippi to provide emergency medical care for those who are still in need of that care. Medical personnel are being brought with those physicians to be administered to those who