DEBRIS REMOVAL ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent to proceed to immediate consideration of S. 939.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 276) was agreed to.

SEC. 1. SHORT TITLE.

This Act may be cited as the “Disaster Recovery Act of 2005.”

SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term “eligible applicant” means—

(A) a State government;

(B) a local government;

(C) a private nonprofit organization or institution that owns or operates any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations; and

(D) an Indian tribe or authorized tribal organization, or an Alaska Native village or organization, other than an Alaska Native Corporation, the ownership of which is vested in a private individual.

(2) ELIGIBLE CLAIM FOR ASSISTANCE.—The term “eligible claim for assistance” means—

(A) a claim for the clearance, removal, or disposal of debris (such as trees, sand, gravel, building components, wreckage, vehicles, and personal property), if the debris is the result of an emergency or major disaster and the clearance, removal, or disposal is necessary—

(i) to eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety;

(ii) to eliminate an immediate threat, as determined by the Secretary, that threatens significant damage to public or private property; or

(iii) to ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of the community and any other community, as determined by the Secretary of Homeland Security, or the Secretary of the Treasury.

(B) a claim for reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(C) ELECTION OF REQUIREMENT.—The term “election of requirement” means—

(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

(ii) to eliminate or reduce an immediate threat, as determined by the Secretary, that threatens significant damage to public or private property; or

(iii) any other claim that the Secretary of Homeland Security determines to be appropriate.

(3) EMERGENCY.—The term “emergency” has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

(4) MAJOR DISASTER.—The term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(c) ELECTION.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(d) TERMINATION.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005 shall terminate on the date that is 1 year after the date of enactment of this Act.

SEC. 3. REQUIREMENT TO ENSURE DEBRIS REMOVAL AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service, and that is declared a disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service, and that is declared a disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for clearing, removing, and disposing of debris from any emergency access road.

(c) TERMINATION.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005 shall terminate on the date that is 1 year after the date of enactment of this Act.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the amendment to the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.
The amendment (No. 2340) was agreed to, as follows:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.
(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.
(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and
(2) terminate on the date that is 1 year after the date of enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to. The amendment (No. 2341) was agreed to, as follows:

Amend the title so as to read: "To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.".

The bill (S. 939), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I know that the distinguished Senator from Florida and the ranking member want to move forward on this legislation. I do not want to delay their proceedings, but I will take just a moment. I will take advantage of the opportunity to put a statement in the record.

I think it is important that we acknowledge the importance of this relatively small bill as we try to recover from the hurricanes we are dealing with.

I think we must give credit to the chairman of the Governmental Affairs and Homeland Security Committee, Senator Collins from Maine, the ranking member, Senator Lieberman from Connecticut, to the leadership of the distinguished Senator from Florida, and Senator Martinez, who knows full well the things we are dealing with in the recovery from these disasters. His own State has been hit once again. Mother Nature can be a very dev-astating vixen when you don’t antici-pate the kind of damage you wind up with.

Also, I thank the Democrats and their leadership for helping clear this legislation.
I thank and acknowledge Senator VITTER's and Senator LANDRIEU's in-volvement in all these efforts.
It is hard to get anything done in the Senate these days. It is the way our body functions. And we all question ever-thing, legitimately. But we got it done.
I would like to give credit to both sides and to all of those involved.
This just has four or five important things. They are hurting, and this will help us get through this recovery period.
Thank you very much for allowing me this moment to comment.

Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,
SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall:

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5701) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 109–5 AND 109–6

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on October 27, 2005, by the President of the United States: the Tax Convention with Bangladesh, Treaty Document No. 109–5; and the U.N. Convention Against Corruption, Treaty Document No. 109–6. I further ask unanimous consent that the treaties be considered as having been the act of this brave woman. By her solitary action, Rosa Parks proved that one person can make a difference. And she did.

Rosa Parks is not just a national hero, she is the embodiment of our social and human conscience and the spark that lit the flame of liberty and equality for African Americans and minority groups in this country and around the globe. Nelson Mandela, the former President of South Africa, once called her “the David who challenged Goliath” and his inspiration during his long imprisonment prior to taking office.

It is altogether fitting and proper that this Nation honor the memory and spirit of this great American and her legacy by providing an opportunity for the ordinary citizens of this Nation to pay their last respects to Mrs. Rosa Parks.

Therefore, I proposed to the Senate leadership that we adopt a resolution authorizing such, and I am grateful to them for sponsoring the resolution that I authored to authorize the use of the Capitol Rotunda for the remains of Mrs. Rosa Parks to lie in honor beginning on Sunday, October 30.

It has been the longstanding tradition of the Congress to authorize this honor for not just Members of Congress and Presidents, but ordinary citizens whose extraordinary efforts and service distinguished them in the history of this Nation. Other great Americans who have been similarly honored date back to 1909 when Pierre Charles L’Enfant, planner of the Capital City of Washington, lay in state in the Rotunda. Others include Admiral George Dewey in 1917; General John Joseph Pershing in 1948; General Douglas MacArthur in 1964; Director of the FBI, J. Edgar Hoover in 1972; and most recently, Capitol Police Officers Jacob Joseph Chestnut and John Michael Grogan in 1998.

Congress recognized the need for the Nation to pay its respects to these honorable men and Congress should permit the Nation to pay its last respects to this honorable woman, Mrs. Rosa Louise Parks, as well.

I thank my colleagues for their assistance and support and urge the House to adopt this measure expeditiously so that America may properly honor this courageous lady and great American against corruption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the