

Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

SENATE RESOLUTION 238—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF OUR NATION

Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, *supra*.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, *supra*.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, *supra*.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, *supra*; which was ordered to lie on the table.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, *supra*; which was ordered to lie on the table.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, *supra*.

SA 1716. Mr. INOUE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, *supra*; which was ordered to lie on the table.

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE EDUCATIONAL ASSISTANCE FOR INDIVIDUALS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

Subtitle A—Support for Elementary and Secondary Schools With a Large Influx of Displaced Students

SEC. ____ SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS WITH A LARGE INFLUX OF DISPLACED STUDENTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large in-

creases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term "eligible local educational agency" means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 30 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to \$4,000 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

(e) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section such \$1,200,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle B—Fund for Early Childhood Care and Education

SEC. ____ . FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term “early childhood education program” means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) AFFECTED LOCAL COMMUNITIES.—In this paragraph, the term “affected local community” means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 pre-school aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) APPLICATIONS.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) USE OF SUBGRANT FUNDS.—

(1) IN GENERAL.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) INCOME AND DOCUMENTATION WAIVER.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

(f) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section \$635,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle C—Support for Students in Higher Education

SEC. ____ . SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) STUDENTS IN SCHOOL.—

(1) NO QUESTIONS ASKED POLICY.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) CAMPUS-BASED AID.—

(A) SEOG.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) APPROPRIATIONS.—

(aa) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) \$76,500,000.

(bb) EMERGENCY DESIGNATION.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) APPROPRIATIONS.—

(aa) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) \$114,500,000.

(bb) EMERGENCY DESIGNATION.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term “eligible borrower” means an individual who has lost the individual’s job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) ELIGIBLE LOAN.—In this subsection, the term “eligible loan” means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) GRACE PERIOD.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 180 day period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) PERIOD NOT TO COUNT AGAINST ECONOMIC HARDSHIP PERIODS PROVIDED IN HIGHER EDUCATION ACT OF 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 180-day grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

(4) EMERGENCY DESIGNATION.—The amounts provided under this paragraph are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle D—Immediate Aid to Restart School Operations

SEC. ____ . IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary

schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) **GRANTS AUTHORIZED.**—The Secretary of Education shall award a grant to a local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, based upon—

(1) the number of school-aged children served by the local educational agency in the academic year preceding the academic year during which the grant is awarded; and

(2) the severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina.

(c) **USE OF FUNDS.**—Each local educational agency that receives a grant under this section shall use the grant funds to restart operations in the elementary schools and secondary schools served by such agency and to take steps to resume the instruction that was halted due to Hurricane Katrina, which may include—

(1) recovery of student and personnel data, and other electronic information;

(2) replacement of school district information systems, including hardware and software;

(3) financial operations;

(4) decontamination;

(5) damage assessments in school and administration buildings;

(6) refurbishing school and administration buildings;

(7) rental of portable classroom units and facilities;

(8) initial replacement of instructional materials and equipment;

(9) redeveloping instructional plans; and

(10) such other activities related to the purpose of this section that may be required.

(d) **APPROPRIATIONS.**—

(1) **IN GENERAL.**—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section \$1,500,000,000.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle E—Improving Educational Infrastructure

SEC. ____ . IMPROVING EDUCATIONAL INFRASTRUCTURE.

(a) **PURPOSE.**—It is the purpose of this section to assist areas impacted by Hurricane Katrina to repair, renovate, alter, or construct facilities critical to the educational needs of students, by providing Federal funds to enable local educational agencies, early childhood education programs, and institutions of higher education to meet costs associated with repairing, renovating, altering, or constructing the facilities of such entities.

(b) **GRANTS AUTHORIZED.**—The Secretary of Education shall award grants to local educational agencies, early childhood education programs, and institutions of higher education that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, relative to the demonstrated need for the repair, renovation, alteration, or construction of the facilities of such entities based on the condition of the facilities due to the impact of Hurricane Katrina.

(c) **APPLICATIONS.**—A local educational agency, early childhood education program, or institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary of Education that contains—

(1) the number of students served by such agency, program, or institution who are, or would be, served in the facilities of such entity that were impacted due to Hurricane Katrina;

(2) a description of the improvement to be supported with funds provided under this section, including the relative cost of carrying out such improvements;

(3) an identification of other Federal, State, or local resources available to carry out improvements for which funds are requested under this section; and

(4) such other information and assurances as the Secretary of Education may reasonably require.

(d) **CONSIDERATION.**—In awarding grants under this section to local educational agencies and early childhood education programs, the Secretary of Education shall take into consideration the number of students residing in the geographic area served by such agencies and programs.

(e) **USE OF FUNDS.**—Each local educational agency, early childhood education program, or institution of higher education receiving funds under this section shall use such funds only to facilitate the education of students through the repair, renovation, alteration, or construction of a public elementary school or secondary school facility, institution of higher education, or early childhood education facility, used for academic, vocational, or developmental instruction.

(f) **APPROPRIATIONS.**—

(1) **IN GENERAL.**—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section \$2,000,000,000.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle F—Education for Homeless Children and Youths

SEC. ____ . EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

(a) **IN GENERAL.**—In addition to amounts otherwise appropriated to carry out subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) and out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated \$20,000,000 for the 180 day period beginning on the date of enactment of this section to carry out education for homeless children and youths under such subtitle for homeless children and youths affected by Hurricane Katrina.

(b) **EMERGENCY DESIGNATION.**—The amount appropriated under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle G—Period of Availability of Benefits

SEC. ____ . PERIOD OF AVAILABILITY OF BENEFITS.

(a) **IN GENERAL.**—A benefit or assistance provided under this title shall be available, and monies appropriated under this title are available for obligation by the grantee,

through the date that is 180 days after the date of enactment of this title.

(b) **AUTOMATIC EXTENSION.**—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this title, unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals, households, and schools affected by Hurricane Katrina or a related condition.

(c) **REPORT.**—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE.

(a) **FINDINGS.**—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R.

2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title VI, insert the following:
 SEC. 6 ____.(a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term “Chief” means the Chief of the Section.

(2) The term “criminal civil rights statutes” means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term “Section” (except when used as part of the term “Criminal Section”) means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 135, line 25, strike “\$515,087,000” and insert “\$534,987,000, of which \$19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of \$19,900,000.”.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike “\$60,100,000” and insert “\$80,000,000”.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 111, line 5, strike “\$125,936,000” and insert “\$116,936,000”.

On page 130, line 23, strike “\$362,997,000” and insert “\$371,997,000”.

On page 132, strike line 14 and insert the following:
 386;

(9) \$2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) \$1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) \$6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 129, line 7, before the “:” insert the following:

“, and of which \$5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region”.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed

by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after “Sec. 522.” and insert the following: “None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

“(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

“(2) to avoid agreements that—

“(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

“(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

“(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.”.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 24, strike “\$1,078,350,000” and insert “\$1,098,350,000, of which \$20,000,000 shall be offset by reducing appropriations in this title for other services by a total of \$20,000,000.”.

On page 134, between lines 4 and 5, in the item relating to Justice Assistance Grants, strike “\$530,000,000” and insert “\$550,000,000”.

On page 134, line 10, strike the period at the end and insert the following: “: Provided further, That of the funds provided under this heading for Justice Assistance Grants, no State, including the District of Columbia and the Commonwealth of Puerto Rico, shall receive less than the greater of .50 percent or the amount of funds for Justice Assistance Grants such State received in fiscal year 2005, and no territory of the United States shall receive less than the greater of .25 percent or the amount of funds for Justice Assistance Grants such territory received in fiscal year 2005.”.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

\$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of \$852,300,000, not more than

50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

SA 1716. Mr. INOUE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.**

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5 ____. **SMALL BUSINESS, HOMEOWNERS, AND RENTERS DISASTER RELIEF.**

(a) **DISASTER LOANS.**—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) **DISASTER LOANS AFTER HURRICANE KATRINA.**—

"(A) **ADDITIONAL LOAN AUTHORITY.**—

"(i) **LOANS TO SMALL BUSINESSES.**—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern or small agricultural cooperative that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order.

"(ii) **LOANS TO NONPROFITS.**—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a non-profit organization for purposes of repairing damage caused by Hurricane Katrina or performing other hurricane relief services in a damaged area.

"(B) **INCREASED LOAN CAPS.**—

"(i) **AGGREGATE LOAN AMOUNTS.**—Except as provided in clause (ii), the aggregate loan amount outstanding and committed to a qualified borrower in a damaged area under this paragraph may not exceed \$10,000,000.

"(ii) **WAIVER AUTHORITY.**—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).

"(C) **DEFERMENT OF DISASTER LOAN PAYMENTS.**—

"(i) **IN GENERAL.**—Notwithstanding any other provision of law, payments of principal

and interest on a loan to a qualified borrower located in a damaged area made under this subsection before, on, or after the date of enactment of this paragraph shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

"(ii) **TIME PERIOD.**—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date of issuance of a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

"(iii) **RESUMPTION OF PAYMENTS.**—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(D) **DEFINITIONS.**—In this paragraph, the following definitions shall apply:

"(i) **DAMAGED AREA.**—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

"(ii) **QUALIFIED BORROWER.**—The term 'qualified borrower' means a small business concern or non-profit organization—

"(I) located in a damaged area; or

"(II) located in a State contiguous to a damaged area that is using, or intends to use, a loan made under this subsection for purposes of rebuilding or conducting operations in a damaged area."

(b) **DEVELOPMENT COMPANY DEBENTURES.**—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

"(j) **DEBENTURES AFTER HURRICANE KATRINA.**—

"(1) **AUTHORITY.**—

"(A) **IN GENERAL.**—In addition to any other guarantee authorized by this section, the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued for purposes of rebuilding or resuming operations in a damaged area, as the Administrator determines appropriate.

"(B) **TERMS.**—The Administrator shall establish a fee for a guarantee issued under subparagraph (A) that is lower than that for other guarantees under this section.

"(2) **EXISTING GUARANTEES.**—

"(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator may temporarily defer payments of principal and interest on a guarantee made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to the Administration.

"(B) **PAYMENTS TO OTHER PARTIES.**—Notwithstanding any other provision of law, the Administrator may temporarily make payments of principal and interest on a loan made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to a person other than the Administration.

"(C) **TERMINATION OF AUTHORITY.**—The authority to defer, or make, payments under this paragraph shall terminate 1 year after the date of enactment of this subsection.

"(3) **DEFINITIONS.**—In this subsection, the following definitions shall apply:

"(A) **DAMAGED AREA.**—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

"(B) **QUALIFIED BORROWER.**—The term 'qualified borrower' means a small business concern—

"(i) located in a damaged area; or

"(ii) that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order."

(c) **SMALL BUSINESS EMERGENCY RELIEF.**—

(1) **DEFINITIONS.**—As used in this subsection—

(A) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(B) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(2) **BUSINESS LOAN PROGRAMS.**—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking "\$25,050,000,000" and inserting "\$30,550,000,000"; and

(B) in paragraph (1)(B)—

(i) by striking "\$17,000,000,000" and inserting "\$20,000,000,000";

(ii) by striking "\$7,500,000,000" and inserting "\$10,000,000,000"; and

(C) by striking "\$25,050,000,000" and inserting "\$30,550,000,000".

(3) **GRANTS TO STATES DAMAGED BY HURRICANE KATRINA.**—There is authorized to be appropriated, and there is appropriated, to the Department of Commerce \$400,000,000 to provide, through appropriate government agencies in Louisiana, Alabama, Mississippi, Texas, and Florida, to provide bridge grants and loans to small business concerns located in the area which the President has designated as a disaster area as a result of Hurricane Katrina, to assist in covering costs of such concerns until they are able to obtain loans through Administration assistance programs or other sources.

(4) **DISASTER LOAN ADDITIONAL AMOUNTS.**—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated, and there is appropriated, to the Administration \$86,000,000, to make loans under section 7(b) of the Small Business Act.

(5) **OTHER DISASTER LOANS FOLLOWING HURRICANE KATRINA.**—

(A) **IN GENERAL.**—Paragraph (4) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, is amended by adding at the end the following:

"(E) **REFINANCING DISASTER LOANS AFTER HURRICANE KATRINA.**—

"(i) **IN GENERAL.**—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated by the President as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the 'disaster area'), and the refinanced amount shall be considered to be part of the new loan for purposes of this subparagraph.

"(ii) **NO EFFECT ON ELIGIBILITY.**—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

"(F) **REFINANCING BUSINESS DEBT.**—

"(i) **IN GENERAL.**—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located in the disaster area. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue, during the 1-year period following the date of refinancing, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

"(ii) **RESUMPTION OF PAYMENTS.**—At the end of the 1-year period described in clause (i), the payment of periodic installments of

principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(G) TERMS.—A loan under subparagraph (E) or (F) shall be made at the same interest rate as economic injury loans under paragraph (2).

“(H) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until one year after the date on which the President designated the area as a disaster area as a result of Hurricane Katrina.

“(I) NO SALE.—No loan under this subsection made as a result of Hurricane Katrina may be sold.”.

(B) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(i) by striking “, (2), and (4)” and inserting “and (2)”;

(ii) by striking “, (2), or (4)” and inserting “(2)”.

(d) ENTREPRENEURIAL DEVELOPMENT.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated, and there is appropriated, to the Administration, to remain available until expended, for fiscal year 2006—

(1) \$21,000,000, to be used for activities of small business development centers pursuant to section 21 of the Small Business Act, \$15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns affected by Hurricane Katrina;

(2) \$2,000,000, to be used for the SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina;

(3) \$4,500,000, to be used for activities of women's business centers authorized by section 29(b) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, \$2,500,000 of which shall be non-matching funds used to aid and assist small business concerns affected by Hurricane Katrina, which may also be made available to a women's business center whose 5-year project ended in fiscal year 2004;

(4) \$1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, \$750,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina; and

(5) \$5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(G) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(e) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended by adding at the end the following:

“(D) FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Administrator has the authority to waive the maximum amount of \$100,000 for grants under paragraph (C)(viii) for small business development centers assisting small business concerns adversely affected by Hurricane Katrina.”.

(f) HUBZONES.—Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking “or”;

(2) in subparagraph (E), by striking the period and inserting “; or”;

(3) by adding at the end the following:

“(F) the Hurricane Katrina disaster area, as designated by the Administrator.”.

(g) OUTREACH PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in the Hurricane Katrina disaster area at any time following the 60 days prior to the designation of such area by the Administrator.

(2) ADMINISTRATOR ACTION.—The Administrator may fulfill the requirement of paragraph (1) by acting through—

(A) the Small Business Administration;

(B) the Federal agency small business officials designated under Section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); and

(C) any Federal, State, or local government entity, higher education institution, or private nonprofit organization that the Administrator may deem proper, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

(h) SMALL BUSINESS BONDING THRESHOLD.—Notwithstanding any other provision of law, for all procurements related to Hurricane Katrina, the Administrator may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed \$10,000,000.

(i) SUPPLEMENTAL EMERGENCY LOANS.—

(1) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

“(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

“(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

“(ii) for loans made in cooperation with a bank or other lending institution—

“(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

“(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Comptroller General shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

“(C) FEES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this

subsection to qualified borrowers for a period of 1 year after the date of enactment of this paragraph.

“(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 1 year after the date of enactment of this subparagraph shall be as follows:

“(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”.

(2) APPROPRIATION.—There is authorized to be appropriated, and there is appropriated, \$75,000,000 to carry out the amendment made by paragraph (1).

(j) SMALL BUSINESS PARTICIPATION.—In order to facilitate the maximum practicable participation of small business concerns in activities related to relief and recovery from Hurricane Katrina, the Administrator and the head of any Federal agency making procurements related to the aftermath of Hurricane Katrina, shall set a goal, to be met within a reasonable time, of awarding to small business concerns not less than 30 percent of amounts expended for prime contracts and not less than 40 percent of amounts expended for subcontracts on procurements such agency related to the aftermath of Hurricane Katrina.

(k) ENERGY EMERGENCY RELIEF.—

(1) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(A) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (4), as added by this Act, the following:

“(5)(A) For purposes of this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

“(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

“(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(E) For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(B) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(i) by inserting “, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene” after “civil disorders”; and

(ii) by inserting “other” before “economic”.

(C) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under paragraph (3)(A), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(5) of the Small Business Act, as added by this subsection, including—

(i) the number of small business concerns that applied for a loan under that section 7(b)(5) and the number of those that received such loans;

(ii) the dollar value of those loans;

(iii) the States in which the small business concerns that received such loans are located;

(iv) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(v) recommendations for ways to improve the assistance provided under that section 7(b)(5), if any.

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under paragraph (3), or 30 days after the date of enactment of this Act,

with respect to assistance under section 7(b)(5) of the Small Business Act, as added by this subsection.

(2) FARM ENERGY EMERGENCY RELIEF.—

(A) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(i) in the first sentence—

(I) by striking “operations have” and inserting “operations (i) have”; and

(II) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”;

(ii) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(iii) in the fourth sentence—

(I) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(II) by inserting “or declaration” after “emergency designation”.

(B) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(C) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under paragraph (3)(A), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(i) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(ii) contains recommendations for ways to improve the assistance provided under such section 321(a).

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under paragraph (3), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(3) GUIDELINES AND RULEMAKING.—

(A) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out paragraphs (1) and (2), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(B) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(5)(A)(iii)(II) of the Small Business Act, as added by this Act.

(1) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(I) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this section, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this section, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this section, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this section and the amendments made by this section shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

(m) EMERGENCY SPENDING.—Appropriations under this section are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2005 at 10:30 a.m. to hold a briefing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet to conduct a hearing during the session of the Senate on Wednesday September 14, 2005, at 10 a.m. in Dirksen Senate Office Building, room 342, on “Recovering from Katrina: The Next Phase”.

Witness List: The Honorable Pete Wilson, Former Governor, California; The Honorable Patricia A. Owens, Former Mayor, Grand Forks, North Dakota; The Honorable Marc H. Morial, President and CEO, National Urban League, Former Mayor of New Orleans; Iain B. Logan, Operations Liaison, International Federation of Red Cross and Red Crescent Societies.

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

COMMITTEE ON THE JUDICIARY.

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts Jr. to be Chief Justice of the United States on Wednesday, September 14, 2005 at 9 a.m. in the Hart Senate Office Building Room 216. John G. Roberts Jr. is the only witness. Note that this is a time change.

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

SUBCOMMITTEE ON AVIATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized